

UNAPPROVED
THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 27, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 9:08 a.m. Council President Peters recessed the meeting at 9:08 a.m. to adjourn into closed session. Council President Peters reconvened the meeting at 10:06 a.m. with Council President Pro Tem Madaffer not present. The meeting was recessed by Council President Peters at 11:59 a.m.

The meeting was reconvened by Council President Peters at 2:07 p.m. with all Council Members Present. Council President Peters recessed the meeting at 3:24 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:26 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:27 p.m. to reconvene the Redevelopment Agency and thereafter reconvened the regular meeting with all Council Members present. Council President Peters recessed the regular meeting to reconvene the Redevelopment Agency at 3:29 p.m. Council President Peters reconvened the regular meeting at 3:30 p.m. with all Council Members present. Council President Peters recessed the regular meeting at 3:36 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:43 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:44 p.m. for the purpose of a break. Council President Pro Tem Madaffer reconvened the regular meeting at 3:46 p.m. with Council President Peters not present. The meeting was adjourned by Council President Pro Tem Madaffer at 5:22 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present

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(6) Council Member Frye-present

(7) Council Member Madaffer-not present

(8) Council Member Hueso-present

Clerk-Maland (dlc/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

ITEM-10: INVOCATION

Invocation was given by Father Earl Eggleston of Our Lady of Angels Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Faulconer.

FILE LOCATION: MINUTES

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NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on bus transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

PUBLIC COMMENT-2:

Jill Holslin commented on the Blackwater facility in Otay Mesa.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:48 a.m.)

PUBLIC COMMENT-3:

Ted Patrick commented on killings in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:51 a.m.)

PUBLIC COMMENT-4:

Dorothy Page commented on Mission Valley Village.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:52 a.m.)

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PUBLIC COMMENT-5:

Phil Hart commented on City Finance and campaigns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:55 a.m.)

PUBLIC COMMENT-6:

Tom Condelles commented on panhandling.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:58 a.m.)

PUBLIC COMMENT-7:

Referred to City Attorney: Ellen Shively commented on the Children's Pool rope barrier.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:04 a.m.)

PUBLIC COMMENT-8:

Valerie Sanfilippo commented on Correctional Corps of America.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:07 a.m.)

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PUBLIC COMMENT-9:

Izean Rim, Jr., commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:11 a.m.)

PUBLIC COMMENT-10:

Referred to Mayor: Ray Lutz commented on citizen's oversight.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. - 11:12 a.m.)

PUBLIC COMMENT-11:

Pansy Hilliard commented on her house plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. - 11:15 a.m.)

PUBLIC COMMENT-12:

Joy Sunyata commented on the May revise.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. - 11:19 a.m.)

PUBLIC COMMENT-13:

Jarvis Ross commented on elections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:20 a.m.)

PUBLIC COMMENT-14:

Elinor Rector commented on various topics.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. - 11:24 a.m.)

PUBLIC COMMENT-15:

David Ross commented on veterans and the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:25 a.m. - 11:28 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Hueso commented on the Blackwater lawsuit.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:36 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

Conference with Legal Counsel - existing litigation, pursuant to California Government
Code Section 54956.9(a):

CS-1 *In The Matter of: Natural Gas Anti-Trust Cases I, II, III, & IV*
Re: All Price Indexing Cases,
San Diego Superior Court JCCP Nos. 4221, 4224, 4226, and 4228

DCA Assigned: F. Ortlieb

This matter involves a pending consolidated action lawsuit against retail sellers of natural gas for anti-competitive acts and unfair business practices in 2000 and 2001. In Closed Session, the City Attorney will discuss the recommended settlements proposed with defendants Reliant Energy Services and Coral Energy Resources.

Conference with Real Property Negotiator, pursuant to California Government Code
Section 54956.8:

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:04 a.m. - 9:06 a.m.)

Council President Peters closed the hearing.

CS-2 *Pablo Gomez v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 877892

DCA Assigned: A. Jones

Plaintiff claims personal injuries resulting from an accident with a San Diego Police Officer on January 4, 2006. In Closed session, the City Attorney will discuss possible responses to a settlement demand made by Plaintiff.

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:04 a.m. - 9:06 a.m.)

Council President Peters closed the hearing.

CS-3 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs, Scott Chadwick, Tanya Tomlinson, Thom Harpole, Abby Jarl, Hadi Dehghani, Val VanDeweghe, Rod Betts, Jessica Falk Michelli, William Gersten, Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association, AFSCME Local 127 AFL-CIO, and Deputy City Attorney Association

DCAs Assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

The Mayor and City Council will be updated on the status of the labor negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:04 a.m. - 9:06 a.m.)

Council President Peters closed the hearing.

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CS-4 Agency Negotiator: Steven Berliner, Richard Kreisler, Lisa Briggs,
Scott Chadwick, Tanya Tomlinson, Thom Harpole,
Abby Jarl, Hadi Dehghani, Val VanDeweghe,
Rod Betts, Jessica Falk Michelli, William Gersten,
Lori Thacker, and Alan Hersh

Employee Organizations: Municipal Employees Association,
AFSCME Local 127 AFL-CIO, and
Deputy City Attorney Association

DCAs Assigned: W. Gersten/J. Falk Michelli/L. Thacker/A. Hersh

Resolution of impasse on contract negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:04 a.m. - 9:06 a.m.)

Council President Peters closed the hearing.

**Conference with Legal Counsel - existing litigation, pursuant to California Government
Code Section 54956.9(a):**

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:04 a.m. - 9:06 a.m.)

Council President Peters closed the hearing.

**CS-5 *Crabbe v. City of San Diego*
San Diego Superior Court Case No. 37-2008-00077405-CU-EI-CTL, and**

***Al-Quraini v. City of San Diego*
San Diego Superior Court Case No. 37-2008-00080246-CU-EI-CTL**

These matters involve litigation resulting from the Mt. Soledad Geological Movement.
The City Council authorized the Mayor to retain outside legal counsel to advise the
Mayor and City Council with respect to these matters. The Mayor has retained the law

firm Butz Dunn & DeSantis, APC. In Closed Session the firm will update the Council on the status of the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:04 a.m. - 9:06 a.m.)

Council President Peters closed the hearing.

ITEM-30: University of California, San Diego Week.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-1072) ADOPTED AS RESOLUTION R-303737

Commending University of California, San Diego (UC, San Diego) for its positive local impact, national influence, and global reach in recognition of the importance of higher education and research;

Proclaiming May 26 to May 30, 2008, to be "University of California, San Diego Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:25 a.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-31: Eugene and Judy Siegel Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-895) ADOPTED AS RESOLUTION R-303738

Thanking Eugene and Judy Siegel for their generous donation to the San Diego Fire-Rescue Department;

Proclaiming May 27, 2008, to be "Eugene and Judy Seigel Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:30 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-32: Honoring the 2008 Class of Exemplary Students Inducted into the 4th Council District Walls of Excellence.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-931) ADOPTED AS RESOLUTION R-303739

Commending, congratulating, and honoring on this 27th day of May 2008, the "2008 Class of Exemplary Students Inducted into the 4th Council District Walls of Excellence" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:35 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-50: Seventh Amendment to Agreement with Metropolitan Transit System (MTS) to Continue the Administration of Taxicabs and Other Private For-Hire Vehicles Regulations. (Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/2008, Item 53. (Council voted 8-0):

(O-2008-144 Cor. Copy)

ADOPTED AS ORDINANCE O-19751
(New Series)

Authorizing the Mayor, or his authorized designee, to execute a Seventh Amendment to Agreement with Metropolitan Transit System (MTS), to continue the administration of taxicabs and other private for-hire vehicles regulations, for a five-year period beginning July 1, 2008, under the terms and conditions set forth in the Seventh Amendment to Agreement (Agreement);

Authorizing MTS to continue to provide for the regulation of taxicabs and other private for-hire vehicles for services rendered wholly within the City's corporate limits as provided in the Agreement;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

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- * ITEM-51: Contract Change Order No. 1 with RECON Environmental Inc. for the Lake Murray Mitigation Project.

(See Metropolitan Wastewater Department's 3/10/2007, Executive Summary Sheet.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/2008, Item 54. (Council voted 8-0):

(O-2008-131) ADOPTED AS ORDINANCE O-19752 (New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Change Order No. 1, issued in connection with the contract between the City and RECON Environmental, Inc., said contract being on file with the City Clerk as Document No. RR-299711;

Authorizing the expenditure of an amount not to exceed \$57,000 from Fund No. 41506, solely and exclusively, to provide funds for the above Change Order No. 1;

Declaring that this activity is not subject to the California Environmental Quality pursuant to CEQA Guidelines Section 15378(c) because the activity is a subsequent discretionary approval of a project which was adequately addressed in Environmental Impact Report PTS No. 6020, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: CONT. – Recon Environmental, Inc.

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-52: First Amendment to Agreement with Black & Veatch Corporation for Design and Construction Support Services for Otay II Pipeline Improvements Project – Cast Iron Replacement Phase. (Oak Park and Mid City Community Areas. Districts 4 and 7.)

(See Engineering and Capital Project Department's 4/16/2008, Executive Summary Sheet.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/2008, Item 55. (Council voted 8-0):

(O-2008-136) ADOPTED AS ORDINANCE O-19753 (New Series)

Authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Black & Veatch Corporation Agreement for design and construction support services for the Otay II Pipeline Improvement Project - Cast Iron Replacement Phase, in the amount of \$298,000, under the terms and conditions set forth in the agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). This activity is a subsequent discretionary approval covered under Otay II Pipeline Improvements Project Environmental Impact Report, Project No. 5503. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-53: Fifth Amendment to Agreement with URS Corporation for the Carmel Valley Road Enhancement Project. (Torrey Pines Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/2008, Item 56. (Council voted 8-0):

(O-2008-148) ADOPTED AS ORDINANCE O-19754 (New Series)

Authorizing the Mayor to execute, for and on behalf of the City, an Agreement with URS Corporation, for additional construction support done during the construction for CIP-52-517.0, Carmel Valley Road Enhancement Project, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$84,000 from Fund 30300, Transnet, CIP-52-517.0, Carmel Valley Road Enhancements Project, for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is covered under LDR No. 98-0718, Carmel Valley Road Enhancements. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-54: Park Boulevard at Harbor Drive Pedestrian Bridge Project. (District 2.)

(See Centre City Development Corporation Report CCDC-08-15/CCDC-08-07.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/2008, Item 332, Subitem E. (Council voted 8-0):

(O-2008-147) ADOPTED AS ORDINANCE O-19755 (New Series)

Declaring that the City shall participate in and approve the final inspection of the Project prior to final acceptance. The City has previously approved the project design and bid specifications;

Declaring that the City shall operate and maintain the Pedestrian Bridge, as well as the related improvements, including the elevator and adjacent plazas, once completed;

Authorizing an annual expenditure of an amount not to exceed \$40,000 (with CPI adjustments annually), solely and exclusively, to provide funds for the maintenance and operation of the Project, as long as the Project exists;

Certifying the Final Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (referred to herein as the "SEIR") through Resolution No. R-292363, and the Project is a redevelopment implementation activity whose environmental impacts were assessed in the MEIR/SEIR. The Corporation, acting on behalf of the Agency, prepared a Mitigated Negative Declaration (MND) in accordance with and pursuant to the California Environmental Quality Act of 1970 (CEQA) and state and local regulations and guidelines adopted pursuant thereto, which assessed the environmental impacts of the development of the Project. The Council considered the environmental effects of the Project as shown in the MEIR/SEIR and the MND, and the Council previously certified the MND through Resolution No. R-300121.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-55: Tax Ordinance Amending Retirement Plan Consistent with IRS Compliance Statement.

(Continued from the meeting of April 15, 2008, Item 54, Subitem B, at the request of Council President Peters, for further review.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-135) RETURNED TO MAYOR'S OFFICE

Introduction of an Ordinance amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 1 to add Section 24.0101.1; and by amending Division 2, Section 24.0201; and by amending Division 3, Section 24.0301; all relating to the San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

On April 1, 2008, the City Council introduced the Ordinance (O-2008-133) to comply with a condition of a voluntary correction plan agreement ("VCP Agreement") entered into between the Internal Revenue Service, the City of San Diego, and the San Diego City Employees' Retirement System ("SDCERS" or "Retirement System"), and upon which is conditioned SDCERS continued status as a tax qualified retirement plan.

The ordinance originally contained additional language relating to receipt of a favorable determination letter from the Internal Revenue Service regarding the duties of a City employee who serve as union president. At the hearing, the Council voted to have the City Attorney prepare a separate ordinance for introduction that incorporates the language not introduced from the original version.

Ordinance (O-2008-135) contains language similar to the original but it has been broadened to ensure that the Retirement System is regularly submitted to the Internal Revenue Service for review as to SDCERS' continued status as a tax qualified retirement plan and to ensure that a Member of the Retirement System may continue to participate in the City's Retirement System while serving as a president of a recognized employee labor organization (sometimes referred to as "union"), subject to receipt of a favorable determination letter from the Internal Revenue Service.

The ordinance also amends the sections relating to union presidents' benefits to clarify that nothing in the amendments adopted by the Ordinance (O-2008-133) creates any obligation on the part of the City to retroactively place a union president on the payroll of the City if the union president was actually on the union's payroll.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:31 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-56: Amending the San Diego Municipal Code Relating to Graffiti - Zero Tolerance to the Epidemic of Graffiti Vandalism.

(See City Attorney Report dated 9/7/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/2008, Item 52. (Council voted 8-0):

(O-2008-104) ADOPTED AS ORDINANCE O-19750 (New Series)

Amending Chapter 5, Article 4, Division 4, of the San Diego Municipal Code by amending Sections 54.0401, 54.0405 and 54.0414, and deleting 54.0412, all relating to Graffiti. This ordinance would update the Municipal Code by removing the crime of graffiti from the Municipal Code, requiring that graffiti vandals be charged under state anti-graffiti laws. This ordinance also expresses the City Council's intent that graffiti vandals be prosecuted to the fullest extent of the law.

Existing law limits the display by vendors of certain graffiti tools, such as spray paint and glass-etching cream. Designated graffiti tools under existing law must be kept behind a counter and inaccessible to the public, inside a fixed, locked case, or in a place open to the public under constant supervision by store employees. This ordinance would add to the list of graffiti tools indelible-ink pens with tips that are four millimeters or broader. This ordinance would also remove the provision allowing graffiti tools to be displayed in a place accessible to the public under employee supervision. Instead, this ordinance would require that graffiti tools be kept in a fixed, locked case or behind the counter where they would be inaccessible to the public without active assistance by a vendor or his or her employees.

Existing law establishes the City Council's Committee on Public Safety & Neighborhood Services, which is charged with overseeing operations of public safety and neighborhood services-related efforts. This ordinance would require the Mayor and the City Attorney's offices to report annually to the Committee about graffiti enforcement and abatement efforts.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-100: Contract Change Order No. 1 with Orion Construction Corporation for the Barrett Reservoir Outlet Tower Upgrade.

(See Engineering and Capital Project Department's 4/16/2008 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-848) ADOPTED AS RESOLUTION R-303740

Approving Change Order No. 1, dated January 28, 2007, issued in connection with the contract between the City of San Diego and Orion Construction Corporation, said contract having been filed in the Office of the City Clerk as Document No. RR-302288; and the changes therein set forth, amounting to a net increase in the contract price of \$167,631, and an extension of time of 98 working days, extending the completion to 298 working days;

Authorizing an additional expenditure of \$237,461.32 from CIP-73-317.0, Barrett Reservoir Outlet Tower Upgrade, Fund 41500, Water, for which \$167,631 is for Change Order No. 1 for the construction of Barrett Reservoir Outlet Tower Upgrade and \$69,830.32 is for related cost, contingent upon the City Auditor and Comptroller first furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds, if any, to the appropriate reserve;

Declaring that the above activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The City Council has previously award a construction contract to Orion Construction Corporation by Resolution number R-302014 and R-302288.

The Barrett Reservoir Outlet Tower Upgrade was approved by the California Department of Safety of Dams (DSOD) on July 8, 2003, and the construction will address the essential elements of the outlet tower that affect operation and maintenance, personnel safety, and water supply reliability to downstream City facilities. The Contract Change Order Number One will remove a portion of four deteriorated platforms and accumulated debris inside the outlet tower including the rehabilitation of the deteriorated concrete bridge at platforms; removal and replacement of corroded 30-inch piping and appurtenances; and install valve supports under the five new knife gate valves. These tasks are key components of the outlet tower upgrade. Authorizing this construction contract change order improves safety inside the structure and addresses DSOD's requirements.

Through inspection and input from the City Corrosion Engineers and consultation with Consultant Structural Engineer, this change order will remove and replace corroded 30-inch piping and appurtenances; rehabilitate the deteriorated concrete bridge at four levels and; install valve supports under the five new knife gate valves. Due to confined work space, method of construction and special trades and skills for the project including efficient implementation, all these tasks will be performed by Orion Construction Corporation. Subcontracting for the new scope of work was not changed.

EQUAL OPPORTUNITY CONTRACTING:

The contract was awarded under Sub Contracting Outreach Program (SCOPE) with requirements that bidder provide documentation demonstrating a good faith effort to outreach to a broad base of subcontractors, subcontracting at least 27% of the contract with advisory participation levels of 9% DBE, 1% DVBE and 17% OBE, and score at least 80 out of 100 Outreach Indicator

Points. The Equal Opportunity Contracting Program staff evaluated Orion Construction Corporation's documentation and reported that the contractor complied with the SCOPE requirements. The actual DBE was 0%, 14.07% DVBE, and 18.71 OBE. Orion Construction Corporation documentation reflected 32.78% subcontracting, provided documentation sufficient to verify that the bidder made subcontracting opportunities available to a broad-base of qualified subcontracts, and scored 100 out of 100 Outreach Indicator Points.

FISCAL CONSIDERATIONS:

The total estimated cost for Barrett Reservoir Outlet Tower Upgrade is \$2,790,963.88 of which \$2,553,502.56 was previously authorized by Council Resolution Number R-302014 and R-302288. However, during construction work of the upgrade additional work was identified to maintain the integrity of the new equipment and the safety inside the dam. The total additional request for this project is \$237,461.32. Funding is available in Water Fund 41500, CIP-73-317.0 Barrett Reservoir Outlet Tower Upgrade for this purpose. The Water Department revenue is dedicated for this project; 80% will be bond financed. No future funding is anticipated.

PREVIOUS COUNCIL COMMITTEE ACTION:

On July 23, 2001, Council authorized the City Manager to execute the original Agreement with Richard Brady & Associates (Resolution No. R-295 172) and on October 10, 2006 the First Amendment was authorized (Resolution No. R-301955). On July 26, 2006, the Natural Resources and Culture Committee approved this requested action. On November 3, 2006, City Council Approved Plans and Specifications as advertised by Contract Services and authorized the Mayor to award a construction contract to the lowest responsible and reliable bidder, authorized the expenditure of funds; award of public works contract; and taking related actions (Resolution No. R-302014). On January 16, 2007, the City Council authorized \$320,000 additional funding and the Mayor to execute construction contract award with Orion Construction Corporation (Resolution No. R-302288). The Committee on Natural Resources and Culture on April 23, 2008, consent motion by Council President Peters, second by Councilmember Atkins. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach is limited to lake area and users. Information will be disseminated to lake users to let them know of the new time frame of construction. This project was advertised through the local contractor's association and newspaper.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The key stakeholders are the City of San Diego Water Department customers, Orion Construction, C & W Diving Services, Inc., Neal Electric and WR Robbins Co. Inc., Richard Brady & Associates, and California Department of Safety of Dams. Failure to rehabilitate the Barrett Reservoir Outlet Tower will continue to put a constraint on the use of local raw water and will continue to import water from San Diego Water Authority.

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, May 27, 2008

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Boekamp/Jarrell

Aud. Cert. 2800759.

FILE LOCATION: CONT. – Orion Construction Corp.

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-101: Amendments to Council Policy 800-14 for Prioritizing All CIP Projects.
(Citywide.)

(See Report to the City Council No. 08-082; Engineering and Capital Projects Department's 2/20/2008 Report; and Draft of Council Policy No. 800-14.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-995) ADOPTED AS RESOLUTION R-303741

Amending Council Policy 800-14 titled "Prioritizing CIP Projects" as set forth in the Council Policy;

Instructing the City Clerk to add the Council Policy to the Council Policy Manual;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 2/20/2008, Budget voted 4 to 0 to forward and recommend the proposed amendments to Council Policy 800-14, to the full City Council. (Councilmembers Faulconer, Atkins, Frye, and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

This action modifies (and supersedes) the existing Council Policy 800-14 (Prioritization of Transportation CIP Projects), which was adopted on January 19, 2007, to include prioritization of all asset type CIP Projects. No changes are proposed to the Transportation projects prioritization process. A list of prioritization criteria is proposed for non-transportation projects. All projects being considered for funding will be prioritized in accordance with the guidelines of this policy. It is proposed that this single CIP prioritization policy address all funding sources and asset classes, including enterprise funded projects (golf, airports, water, sewer and landfill) and transportation and drainage projects. The goal of this CIP prioritization policy is to establish a capital-planning process that ultimately leads to policy decisions that optimize the use of available resources, resulting in the maximum benefit from the projects delivered.

This process allows for the analytical comparison of the costs and benefits of individual projects, as well as an opportunity to evaluate projects against one another on their relative merits. Ideally, it should provide a Citywide perspective, explore various financing options, and facilitate project coordination.

Policy Highlights

- Projects will be separated into Project Categories according to the predominant type of asset type (projects will compete only with projects within the same Project Category).
- Within each of those project categories, all CIP projects will be separated into the following standard Project Phases of project development (projects will compete only with projects within the same Project Phase):
 - Planning
 - Design
 - Construction
- Additionally, projects within restricted Funding Categories will compete only with projects within the same funding category.
- Prioritization scoring will be done according to the following Prioritization Factors:
 - Transportation Projects Prioritization Factors: No changes are proposed to those listed in the original Council 800-14.
 - Non-Transportation Projects Prioritization Factors (percentage value is of project's total score):
 1. Health & Safety Effects (25%)
 2. Regulatory or mandated requirements (25%)
 3. Implication of Deferring the Project (15%)
 4. Annual recurring cost or increased longevity of the capital asset (10%)
 5. Community Investment (10%)

6. Implementation (5%)
7. Project Cost and Grant Funding Opportunity (5%)
8. Project Readiness (5%)

FISCAL CONSIDERATIONS:

The policy would have a moderate fiscal impact for implementation.

PREVIOUS COUNCIL COMMITTEE ACTION:

Council Resolution Number R-302291 (Council Policy 800-14 Prioritizing Transportation and Drainage CIP Projects) was adopted on January 16, 2007. On November 14, 2007, the Budget & Finance Committee was given a presentation on the concept of developing a CIP prioritization system for all of the project asset types, and on February 20, 2008, the Budget & Finance Committee was given the proposed amendments to Council Policy 800-14, which it approved with input.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS: Citywide.

EQUAL OPPORTUNITY CONTRACTING: N/A

Boekamp/Jarrell

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-102: Transfer Funding for Fiscal Year 2008 Watershed Capital Projects to CIP-12-159.0, Watershed Capital Projects Annual Allocation.

(See General Services Department's 2/13/2008 Executive Summary Sheet; and Report to the City Council No. 08-081.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-907)

ADOPTED AS RESOLUTION R-303742

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2008 Capital Improvement Program budget by increasing CIP-12-159.0, Watershed Capital Projects Annual Allocation, in Fund No. 630221, General Fund Contributions to CIP, by the amount of \$4,775,446;

Authorizing the City Auditor and Comptroller to transfer the amount of \$4,775,446 from General Fund No. 100, General Services Department, Storm Water Pollution Prevention Division Operating Fund (Dept. #533), to Fund No. 630221, General Fund Contributions to CIP, CIP-12-159.0, Watershed Capital Projects Annual Allocation;

Authorizing the expenditure of an amount not to exceed \$4,775,446 from Fund No. 630221, General Fund Contributions to CIP, CIP-12-159.0, Watershed Capital Projects Annual Allocation, solely and exclusively to provide funds for design of Fiscal Year 2008 Watershed Capital Projects, as identified in Report to City Council No. 08-081;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/27/2008, NR&C voted 4 to 0 to approve, with direction that staff returns to the Committee with a list of projects. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.

The Watershed Capital Projects Annual Allocation allocates funding for design and construction of Watershed Capital Projects. These projects, in conjunction with non-structural water quality projects, are primarily intended to address storm drain discharge water quality standards, established by the San Diego Regional Water Quality Control Board under Total Maximum Daily Load (TMDL) programs and by the State Water Resources Control Board for Areas of Special Biological Significance (ASBS). A secondary objective of these projects is to satisfy watershed-based water quality activity requirements in the Regional Water Quality Control Board's Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R9-2007-0001.

The implementation of Watershed Capital Projects helps to meet these water quality standards in two ways: by direct reduction of pollutant loads through the use of filtering, segregation, biological uptake, and infiltration; and by serving as pilot projects for evaluating the effectiveness of different storm water quality management approaches. The increased understanding gained from monitoring and evaluating the effectiveness of these projects will be used to support decisions on selecting future Watershed Capital Projects. Collectively, over a multi-year period, the program refinements and added infrastructure will progressively improve water quality in streams, bays, estuaries and oceans.

In accordance with the Storm Water Pollution Prevention Division's strategic objectives for Fiscal Year 2008, conceptual plans have been developed for 13 (thirteen) Watershed Capital Projects. The transfer of funds requested by this action will enable the Engineering & Capital Projects Department to secure engineering consultant agreements for design of these 13 projects. The subsequent design phases will conduct further site specific investigation which may lead to substituting alternate project sites within the same watershed or selecting a different technology/design concept to meet the same water quality objectives. The proposed storm water quality improvements are a variety of low impact development site features, such as parking lot infiltration, and in-line storm water treatment devices.

Consultant design agreements established under this CIP account are subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-181713, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517). To support its Equal Opportunity Contracting commitment, the City has established voluntary participation levels. The goals for this contract are 20% Voluntary Subcontractor Participation Goal, and 15% Voluntary Subconsultant Participation

Goal. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE), or Other Business Enterprise (OBE) level. Attainment of the participation level goal is strongly encouraged but strictly voluntary.

Prior to award, a workforce report or an Equal Opportunity (EEO) Plan will be submitted to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval. Staff will monitor the plan and adherence to the Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

Funds in the amount of \$4,775,446 for this action are available in the General Fund (#100), General Services Department, Storm Water Pollution Prevention Division's (Dept. #533) Fiscal Year 2008 approved budget. The \$4,775,446 funds the FY08 watershed capital projects design. The remaining funds to complete these projects will be identified in the Storm Water Pollution Prevention Division's future year budgets.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

On April 10, 2007, City Council authorized the addition of CIP-12-159.0, Watershed Water Quality Improvements R-2007-882. On February 27, 2008, the Natural Resources and Culture Committee (NR&C) heard the currently proposed action as Item 5C and approved forwarding this item to the City Council for approval, with direction to provide projects' specific information. The requested information was provided to the NR&C as Consent Item 2A on April 23, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Storm Water Pollution Prevention Division sought input from San Diego Coastkeeper during the conceptual study of the FY08 Projects. Outreach to community members and coordination with affected City departments will continue throughout the design process and construction.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: San Diego Coastkeeper, San Diego Regional Water Quality Control Board. Projected Impacts: The transferring of funds would not result in any physical impacts on the environment. However, future Watershed Capital Projects for which these funds would be used will be subject to review in accordance with the California Environmental Quality Act (CEQA) as well as all applicable City regulations and permitting requirements.

Sierra/Jarrell

Aud. Cert. 2800762.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-103: Prop 50 Grant Funding from State of California Department of Public Health for Alvarado Water Treatment Plant Upgrade and Expansion Project, Phase IV.

(See Water Department's 4/7/2008 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-1048) ADOPTED AS RESOLUTION R-303743

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Proposition 50 Funding Agreement for the Alvarado Water Treatment Plant Upgrade and Expansion Project, Phase IV (Project), any Amendments and Claims for Reimbursement, and Final Release for the Project, as set forth in the Proposition 50 Funding Agreement;

Authorizing the City Engineer or other registered engineer as designated by the Mayor, to execute the Budget and Expenditure Summary and Certificate of Project Completion forms for the Project;

Designating revenues from the Water Fund, Fund No. 41500, and from water rates, charges and assessments, bond proceeds and financing as the dedicated source of revenue for matching funds for the Project as required under the Funding Agreement in an amount not to exceed \$43,271,363, and this dedication shall remain in full force and effect until such Funding Agreement is fully discharged unless modification or change of such dedication is approved by the State of California;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend up to \$20,000,000 in grant funds, solely and exclusively, for Project purposes, contingent upon first furnishing one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is covered under the Alvarado Water Treatment Plant Upgrade and Expansion (LDR 98-0130) Environmental Impact Report, that this activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review and that the prior environmental documents adequately covered this activity as part of a previously approved project, thus this activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

In September 2004, under the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, CDPH solicited projects for drinking water source protection, water security, reduced demand on Colorado River water, small community water systems, community water systems, disinfection byproduct treatment facilities, and demonstration projects/studies for contaminant treatment/removal. On September 26, 2006, based upon favorable ranking by CDPH, the City's Water Department submitted a full project application for Alvarado Water Treatment Plant (AWTP) Upgrade and Expansion. This project will aid in meeting the State's commitment to reduce the amount of Colorado River Water (CRW) used by upgrading the AWTP to allow a greater amount of State Water Project (SWP) to be treated, thereby reducing the amount of CRW used.

On November 30, 2007, a Letter of Commitment (LOC) for P50-3710020-032 was issued by CDPH for the City's Alvarado Water Treatment Plant Expansion/Upgrade Project. The LOC outlines the terms and conditions the City must meet prior to issuance of a funding agreement, including the authorizations contained within this Resolution.

FISCAL CONSIDERATIONS:

This project will fulfill a critical need in meeting the current and future California and Federal water quality regulations, as well as reducing the demand on the Colorado River. The total project costs for the AWTP Upgrade & Expansion, Phase IV Project, CIP-73-261.3 is estimated to be \$63,271,363.

Of the total project costs, \$20,000,000 is the initial funding offered by the Proposition 50 grant. If awarded, grant reimbursements would occur over multiple fiscal years. In addition, the Water Department applied for a low interest loan through the State Revolving Fund in the amount of \$12,000,000. The application is under review and pending approval.

The remaining project costs will be funded by the Water Operating Fund or Water Department financing proceeds. The Water Department has sufficient capacity to issue additional debt following the rate increases approved by the City Council on February 26, 2007.

EOUAL OPPORTUNITY CONTRACTING:

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

A request to authorize advertising for bid/award for the AWTP Upgrade and Expansion – Ozone Project was heard at NR&C on July 18, 2007 and forwarded to the City Council without a recommendation. At the October 29, 2007 City Council meeting, the request was passed by City Council with the direction to add architectural enhancements and color to the building and provide Council an annual project update.

In addition, a similar request to Council to apply for, secure, and expend Proposition 50 grant funding for the Otay Water Treatment Plant Upgrade & Expansion Project (R-303156) and the Miramar Water Treatment Plant Upgrade & Expansion Project (R-303157) was approved at City Council on November 20, 2007. On April 23, 2008, this requested action for the AWTP Upgrade and Expansion - Ozone Project was approved on consent by the Natural Resources & Culture Committee.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community meetings were conducted to inform members of the public, including the Friends of Lake Murray, Mission Trails Regional Park Citizen's Advisory Committee and Task Force, and local residents of the scope and schedule of the AWTP Upgrade and Expansion project. Other outreach efforts included fact-sheets, newsletters and updates on the City of San Diego website.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City of San Diego, Water Department Customers, Mission Trails Regional Park Citizen's Advisory Committee and Task Force, San Diego County Water Authority and the California Department of Public Health.

Ruiz/Barrett

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-104: Eight actions related to Surf Camp Concession Agreements. (La Jolla Shores, Mission Beach, Ocean Beach, and Pacific Beach Community Areas. Districts 1 and 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-925) ADOPTED AS RESOLUTION R-303744

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Surf Diva, Inc., for the operation of Surf Camps on City Beaches, specifically La Jolla Shores sites 1, 2, and 3, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-B: (R-2008-1022) ADOPTED AS RESOLUTION R-303745

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Menehune Surf Inc., for the operation of Surf Camps on City Beaches, specifically La Jolla Shores site 4, and a second site, specifically the site North of the South Mission Beach Lifeguard Tower, Mission Beach, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-C: (R-2008-1058) ADOPTED AS RESOLUTION R-303746

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Ocean Experience Surf School for the operation of Surf Camps on City Beaches, specifically the sites, south of the Mission Beach Lifeguard Tower and Santa Monica Avenue in Pacific Beach under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-D: (R-2008-1059) ADOPTED AS RESOLUTION R-303747

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Pacific Surf School for the operation of Surf Camps on City Beaches, specifically at Ostend Court in Mission Beach, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-E: (R-2008-1023) ADOPTED AS RESOLUTION R-303748

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Pacific Beach Surf School for the operation of Surf Camps on City Beaches, specifically the sites North of Santa Rita Place and South of Pacific Beach Drive in Pacific Beach, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-F: (R-2008-1060) ADOPTED AS RESOLUTION R-303749

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Paskowitz Surf Camp for the operation of Surf Camps on City Beaches, specifically at Wilbur Street in Pacific Beach, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-G: (R-2008-1061) ADOPTED AS RESOLUTION R-303750

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with Surfari Surf School for the operation of Surf Camps on City Beaches, specifically at Pismo Court in Mission Beach, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-H: (R-2008-1062) ADOPTED AS RESOLUTION R-303751

Authorizing the Mayor, and/or designee, to execute a new 64-month concession Agreement with San Diego Surf School for the operation of Surf Camps on City Beaches, specifically at Beryl Street Pacific Beach, under the terms and conditions set forth in the Agreement;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

In 2002, the community recognized there was a significant impact from surf camp operators on public beaches. The City became involved with the surf camp operators in order to ensure standards of training, professionalism and liability were maintained. Park and Recreation (P&R), and Lifeguard Services, designated specific shoreline sites and implemented a permit process for surf camps. In 2004, the Real Estate Assets Department (READ) issued a Request for Proposals (RFP) on behalf of P&R. Surf camp operators were invited to bid on any number of sites under the terms of the RFP. The City granted three-year agreements to eight operators located on City beaches, including Ocean Beach, Mission Beach, Pacific Beach, and La Jolla Shores. The City has received combined rents averaging \$148,000 per year. The existing agreements expire on May 31, 2008.

DISCUSSION:

To enable opportunity for fair competition, a new RFP was issued in December 2007. A selection committee composed of representatives from P&R, Lifeguards, READ and the City of Encinitas Lifeguard Services evaluated the proposals using selection criteria from the RFP. The criteria included: Responsiveness, Professional Experience, Safety Standards, Financial Capability/Responsibility, Operating Plans and Community Service and Consideration. Eight responses to the RFP were received and the selection committee selected eight of those operators to enter into Concession Agreements with the City at a total of thirteen sites along San Diego's shoreline. If approved by City Council, these agreements will commence June 1, 2008.

Sites:

The surf camp operators awarded sites are all current operators including: Surf Diva, Inc., Menehune Surf, Inc., Ocean Experience, Pacific Surf School, Pacific Beach Surf School, Paskowitz Surf Camp, and Surfari Surf School. One new operator, San Diego Surf School, has been awarded a site located in Pacific Beach.

In the RFP a total of fourteen sites were available. There was no direct competition on all but the La Jolla Shores sites. At La Jolla Shores, Lifeguards and P&R determined that there would be four sites permitted for the new contract period whereas currently there are five sites. Surf Diva bid on four sites and Menehune Surf bid on two of the four sites. After careful evaluation, the selection committee recommended awarding Surf Diva three sites in La Jolla and Menehune Surf one site. Surf Diva's proposal was the highest ranking of all eight proposals. Menehune Surf was awarded a second site in Pacific Beach.

Use:

Each surf camp site allows 50 students maximum with 25 students allowed in the water at any one time. No solicitation or marketing is permitted on City beaches. Renting or selling of beach equipment or other merchandise is not allowed under this agreement. Land-based operations are permitted from 8:30 A.M. to 5:00 P.M. daily. Water instructions are permitted from 9:00 A.M. to 4:00 P.M. daily. Operations are not permitted on the 4th of July.

Term:

The term of the new Concession Agreements is 64 months with either party having the right to terminate the Agreement with 90 days written notice. During informational meetings, surf camp operators requested that new agreements have a 5-year term which would terminate after the final four-month summer season. This term enables the operators to develop their businesses, plan marketing, and expand their commitment to give back to the community.

FISCAL CONSIDERATIONS:

The City will receive rents from each site which are comprised of the greater of 10% of gross income or a guaranteed minimum rent. In each agreement, minimum rents have an annual increase, therefore, the City is guaranteed at minimum, an increase of 5% each year. Guaranteed minimum rents for FY09 total \$124,414. Projected revenue from all sites for FY09 is approximately \$170,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A public outreach informational meeting was held January 3, 2008. In addition the RFP was advertised on the City's website, and in the San Diego Community Newspaper Group, and the Daily Transcript.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Barwick/Anderson

Staff: James Barwick - (619) 236-6145
Kimberly Ann Davies - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-105: Brown Field Airport Airfield Electrical System Upgrade – Phase II and Phase III.
(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-986) ADOPTED AS RESOLUTION R-303752

Authorizing the Mayor, or his designee, to apply for and accept Federal Aviation Administration (FAA) grant funds in the sum of \$3,900,000, or any other amount appropriated by the FAA, for the Brown Field Airport Airfield Electrical System Upgrade, to be deposited into CIP-31-179.0;

Increasing the Fiscal Year 2008 Capital Improvements Program Budget by the sum of \$3,900,000, or any other amount appropriated by the FAA, in CIP-31-179.0, Brown Field Airport Airfield Electrical Upgrade Phases 2 and 3;

Authorizing the Mayor, or his designee, to expend up to \$3,900,000, or any other amount appropriated by the FAA, from CIP-31-179.0 for the Brown Field Airport Airfield Electrical System Upgrade;

Authorizing the City Auditor and Comptroller to accept and expend up to \$3,900,000, or any other amount appropriated by the FAA, for the Brown Field Airport Electrical System Upgrade Phase 2 and Phase 3;

Authorizing the City Auditor and Comptroller to transfer the sum of \$250,000 from the CIP-31-001.1, Brown Field Annual Allocation, to CIP-31-179.0, Fund 10510, Brown Field Special Aviation, to be used for the Airfield Electrical System Upgrade;

Authorizing the City Auditor and Comptroller, upon advice from the Airports Department, to transfer any excess funds at the completion of the upgrade to the appropriate reserve account.

STAFF SUPPORTING INFORMATION:

The Airports Division has proposed improvements to the Brown Field airfield electrical system. This work is designated as a high priority by the Federal Aviation Administration (FAA), due to its impact on safety.

The existing Brown Field airfield lighting system, that provides visual guidance for aircraft operating at night and in inclement weather, has had multiple failures over the last several years.

These failures have not only been costly to repair, but have been responsible for aircraft deviations and diversions. This system will be upgraded in two phases, due to FAA grant funding constraints. The first phase will replace many components of the electrical system that dates back to the 1960s. Additionally, the upgrade will add visual navigation equipment to enhance both vertical and lateral guidance for aircraft approaching at night or in inclement weather and will further enhance the safety and operational effectiveness of the airport. It is anticipated that this project should be ready for construction within the next several months.

EQUAL OPPORTUNITY CONTRACTING:

If awarded, any agreements will be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

FISCAL CONSIDERATIONS:

Phase II and Phase III, are expected to be reimbursed at 95% by FAA funds or approximately \$3,900,000 during fiscal year 2009.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

Accept FAA grant monies (AIP# 3-06-0213-11), in the amount of \$1,111,500; authorize the City Auditor and Comptroller to appropriate and expend FAA grant monies in the amount of \$1,111,500 from CIP-31-300.0 Brown Field Airport Airfield Electrical System Upgrade - Phase I project.

Authorize the expenditure of \$1,267,101.55 from CIP-31-300.0, Brown Field Airport Airfield Electrical Systems Upgrade - Phase I project for the purpose of providing the upgrade of the Brown Field Electrical system.

Authorize the City Auditor and Comptroller to transfer \$155,601.55 from Fund 31-001.0, Annual Allocation, to CIP-31-300.0; for the purpose of providing FAA grant matching funds.

Accept proposed Design Consultant's (HNTB) amended project scope of services for an additional \$73,725 and not to exceed a total contract amount of \$347,064.

Accept bid and award Phase I Construction contract with lowest responsible/reliable bidder, Nova Electric Inc. in the amount of \$964,240.00.

Note: The above listed actions are based on Council Resolution Number R-302176, dated December 15, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the design stages, this project was presented to the Airport Advisory Committee (AAC), who is in favor of this capital improvement. The users of Brown Field Airport will be briefed at upcoming AAC meetings, by the Deputy Director of the Airports Division.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Key Stakeholders:

1. HNTB (Design Consultant)
2. Brown Field Airport Users and businesses.
3. FAA

Projected Impacts: The users of Brown Field Airport may encounter minor inconveniences during construction. After completion, users will experience improved safety.

Boekamp/Jarrell

Aud. Cert. 2800779.

Staff: Darren Greenhalgh - (619) 533-6600
John H. Serrano - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-106: Federal Fiscal Year 2008 Emergency Management Performance Grant.
(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1031) ADOPTED AS RESOLUTION R-303753

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for, accept, appropriate and expend grant funds from the Federal FY 2008 Emergency Management Performance Grant (EMPG) as the City's authorized agent;

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security to take all necessary actions to secure the grant and to negotiate and execute all agreements necessary to comply with the EMPG;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant if grant funding is secured;

Declaring that the City Auditor and Comptroller must certify funds for the FY09 budget once the budget is established.

STAFF SUPPORTING INFORMATION:

The City of San Diego is an incorporated City within San Diego County. San Diego County is the recipient of federal funds under the Emergency Management Performance Grant (EMPG). The Federal EMPG is passed through the State of California to each jurisdiction and the FY 2008 EMPG funds have been allocated consistent with previous Fiscal Years. The County of San Diego has elected to further allocate a portion of those funds to the City. The City's Office of Homeland Security (OHS) is designated as the agent for the City to receive and expend FY 2008 EMPG funds.

The City match is provided through the General Fund personnel expense (PE) authorized under the appropriate annual City budgets for Public Safety/Homeland Security organization. EMPG funds may only be used for personnel who directly support all-hazard emergency management, including preparedness, response, recovery and mitigation activities. These activities must be approved by the Federal Emergency Management Agency (FEMA), the State of California and San Diego County prior to awards under the EMPG.

The City has submitted expenditure plans as stipulated in the Federal and State Grant Application Guidelines to the appropriate entities. The FY 2008 EMPG expenditure plan allocates funding to support non-General Fund PE within OHS that is within the purpose, goals and scope of the grant.

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

FISCAL CONSIDERATIONS:

The EMPG program requires a dollar for dollar cost-share cash or in-kind match from the recipient. The required match for the City is achieved through a General Fund position authorized in the City FY 2009 budget, which will be staffed by San Diego Police Department Information Systems Analyst IV. Total dollar amount not to exceed \$107,255.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

- Citizens of San Diego
- City of San Diego Office of Homeland Security
- U.S. Department of Homeland Security (DHS)
- Federal Emergency Management Agency
- State of California Governor's Office of Emergency Services

Emergency management is a vital part of the U.S. Department of Homeland Security (DHS) preparedness mission and EMPG directly supports the Nation's emergency management community. Funding received from the EMPG program directly supports the City's ability to respond to and recover from a catastrophic event. Personnel funded under this program manage the operational readiness of the City of San Diego's Emergency Operations Center and mass notification system.

Ryan/Olen

Staff: Donna Faller – (619)533-6763
Lori M. Thacker - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

* ITEM-107: Memorandum of Understanding with Service Authority for Freeway Emergencies.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-973) ADOPTED AS RESOLUTION R-303754

Authorizing the Mayor, or his designee, to enter into a Memorandum of Understanding (MOU) with Service Authority for Freeway Emergencies (SAFE) for Fiscal Years 2009 through 2014.

STAFF SUPPORTING INFORMATION:

On May 11, 2004, the Mayor and City Council adopted Resolution R-299209 which authorized execution of a Memorandum of Understanding (MOU) with San Diego Service Authority for Freeway Emergencies (SAFE) to continue the Regional Fire and Rescue Helicopter Program (Air Operations Division) to be operated, managed and administered by the San Diego Fire-Rescue Department.

The MOU reflected a desire by the City and SAFE to cooperate in the implementation of an Air Operations Division to respond to life safety emergencies, including those occurring on the freeways and other roads throughout the County of San Diego.

On June 27, 2005, the Mayor and City Council adopted Resolution R-300578 which authorized execution of a Memorandum of Understanding (MOU) with San Diego Service Authority for Freeway Emergencies (SAFE) to continue the Regional Fire and Rescue Helicopter Program (Air Operations Division) to be operated, managed and administered by the San Diego Fire-Rescue Department. The foregoing MOU provides that SAFE will reimburse the City \$250,000 per year through June 30, 2009 to help fund the Air Operations Division. The total potential value of the MOU over 5 years is \$1,000,000.

On November 8, 2007, the SAFE Board voted unanimously to execute an agreement with the City for the continuation of the Air Operations Division for the period of July 1, 2009 through June 30, 2014. The new MOU provides that SAFE will reimburse the City \$375,000 per year beginning July 1, 2009 through June 30, 2014 to help fund the Air Operations Division. The total potential value of the new MOU over 5 years is \$1,875,000.

Included as Attachment A to the Report is the new MOU which has been negotiated between the City and SAFE.

The partnership with SAFE is a great collaboration with the public and private sectors that is proven to save lives and property damage.

This partnership is an example of the continued success of the Corporate Partnership Program and San Diego Fire-Rescue Department to generate much-needed revenue for the City's highest priority public safety needs. The proposed MOU with SAFE is consistent with the City's Corporate Partnership Program and the City's Marketing Partnership Policy.

FISCAL CONSIDERATIONS:

The City, through the MOU, will receive \$375,000 annually beginning July 1, 2009 through June 30, 2014 from SAFE for the San Diego Fire-Rescue Department's Air Operations Division. The total potential value of the MOU over 5 years is \$1,875,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Service Authority for Freeway Emergencies.

Jarman/Olen

Staff: Jenny Wolff – (619) 236-7002
William J. Gersten – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

ITEM-108: Selecting an Underwriter to Assume Duties and Obligations of UBS Securities LLC in Connection with the Proposed Issuance and Sale of Community Facilities District No. 4 (Black Mountain Ranch Villages) Special Tax Bond Series A of 2008. (Black Mountain Ranch Community Area. District 1.)

(See Report to the City Council No. 08-058.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1075) ADOPTED AS RESOLUTION R-303767

Authorizing and directing the Mayor, or the Chief Financial Officer, to obtain other underwriting services from one or more firms for the Bonds through a competitive selection process, such underwriter or underwriters to assume the duties and obligations of UBS Securities LLC; provided however, the compensation payable to the firm or firms shall not exceed the amount specified in Resolution No. R-303603. Other than as specified herein, the terms and provisions contained in Resolution No. R-303603 relative to the issuance of the Bonds and other matters are unchanged.

STAFF SUPPORTING INFORMATION:

On April 21, 2008, the City Council adopted Resolution No. R-303603 (the "Financing Resolution"), which authorized the issuance of the 2008 A Bonds in a principal amount not to exceed \$13.0 million, and approved the forms of certain related financing documents, including a Bond Indenture, a Preliminary Official Statement, a Continuing Disclosure Certificate, and a Bond Purchase Agreement.

In addition, the Financing Resolution appointed UBS Securities LLC as underwriter for purposes of offering the 2008 A Bonds for sale in accordance with the provisions of the Bond Purchase Agreement. On May 6, 2008, UBS AG, parent company of UBS Securities LLC, announced that it was putting UBS Securities LLC up for sale, or was otherwise exiting the municipal bond business. UBS Securities LLC has not been able to provide any assurance that they would be able to underwrite the bond sale within the time frame originally anticipated. To complete the bond issuance transaction in a timely fashion, it is recommended that the Chief Financial Officer be authorized to select a substitute underwriter, or underwriters, pursuant to a competitive process, to assume the duties and obligations previously assigned to UBS Securities LLC under the Financing Resolution to facilitate a successful sale of the 2008 A Bonds.

FISCAL CONSIDERATIONS:

There is no fiscal impact to the City. All costs related to the formation of the District and the issuance of the 2008 A Bonds have been funded by the Developer, Black Mountain Ranch LLC, and/or will be reimbursed with bond proceeds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Previous Council actions include the adoption of Resolution No. R-303603, authorizing the issuance of the 2008 A Bonds and approving the forms of certain related financing documents.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There were no community participation or outreach efforts.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Key stakeholders include Black Mountain Ranch LLC and the special taxpayers in CFD No. 4. Business entities involved in the transaction are: Stradling, Yocca, Carlson and Rauth (Bond and Disclosure Counsel); Fieldman, Rolapp & Associates (Financial Advisor); David Taussig & Associates (Special Tax Consultant); Wells Fargo Bank, N.A. (Trustee); Empire Economics, Inc. (Price Trends and Mortgage Study Consultant); and the underwriter (or underwriters) to be selected pursuant to this action.

Kommi/Lewis

Staff: Elizabeth Kelly - (619) 236-6932
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:31 p.m. - 3:36 p.m.)

MOTION BY HUESO TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-109: Western Pacific Beach Maintenance Assessment District. Preliminarily approving the Engineer's Report submitted in connection with the proposed formation of the Western Pacific Beach Maintenance Assessment District; Resolution of Intention to form the Western Pacific Beach Maintenance Assessment District and to levy and collect Fiscal Year 2009 annual assessments on the Western Pacific Beach Maintenance Assessment District; And initiating proceedings for the formation of the Western Pacific Beach Maintenance Assessment District. (Pacific Beach Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-1036) CONTINUED TO TUESDAY, JUNE 10, 2008

Resolution of the Council of the City of San Diego preliminarily approving the Engineer's Report submitted in connection with the proposed formation of the Western Pacific Beach Maintenance Assessment District.

Subitem-B: (R-2008-1037) CONTINUED TO TUESDAY, JUNE 10, 2008

Resolution of the Council of the City of San Diego of Intention to form the Western Pacific Beach Maintenance Assessment District and to levy and collect Fiscal Year 2009 annual assessments on the Western Pacific Beach Maintenance Assessment District.

Subitem-C: (R-2008-1035) CONTINUED TO TUESDAY, JUNE 10, 2008

Resolution of the Council of the City of San Diego initiating proceedings for the formation of the Western Pacific Beach Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The City Council is being asked to authorize the following actions by resolution:

1. Propose the formation of the Western Pacific Beach Maintenance Assessment District; and preliminarily approving the Engineer Report.
2. Authorize the intention to levy and collect assessments for Fiscal Year 2009, establish the maximum authorized assessments, and set maximum assessment indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U) not to exceed 5%.
3. Authorize the mailing of ballots to all property owners subject to assessment.
4. Establish the time and place for a public hearing to count ballots; and

Upon affirmative findings at the public hearing on July 15, 2008:

5. Authorize the consideration of protests, ordering the formation of the District, approve the Assessment Engineer's Report, confirm assessments, and order the improvements, maintenance, and/or services.
6. Approving the annual budget for the Western Pacific Beach Maintenance Assessment District in Fiscal Year 2009.
7. Authorize the City Auditor and Comptroller to establish an interest-bearing fund for the District.
8. If a weighted majority of returned ballots opened following the public hearing select the Pacific Beach Community Development Corporation, a non-profit Section 501(c)(3) organization, to administer the contracts for goods and services, authorize the Mayor or his designee to negotiate a contract with the Pacific Beach Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214.

STAFF RECOMMENDATION:

Approve the requested actions listed above.

EXECUTIVE SUMMARY:

Efforts to form a Maintenance Assessment District (MAD) in the Pacific Beach community began in 2005. A variety of business owners on Mission Blvd. were seeking solutions to persistent problems on the beach including crumbling infrastructure, trash, homeless issues, and crime. In response, the Pacific Beach Community Development Corporation (Corporation) formed a Business Vision Committee whose task was to begin implementation of programs that would have a window of impact over a long term period between ten and fifteen years. This committee held a variety of informational meetings and developed several long term plans. These included the development of a Western Pacific Beach MAD, an Eastern Pacific Beach MAD, and a comprehensive parking strategy. As many of the committee meetings were attended by hoteliers, who had voiced their concerns clearly, a priority was given to the development of the Western Pacific Beach MAD.

A series of surveys were completed and distributed in the fall of 2005 and early 2006. The surveys sought to indicate who might be interested in the idea of a MAD, what services might be provided, how much owners might be interested in contributing, and finally who would support a MAD. The surveys results were positive in a variety of ways. An overwhelming majority of property owners that submitted responses to the survey indicated support for the idea of paying for cleaning and security services.

Property owners and residents indicated to the Corporation that they supported forming a MAD to fund services to make Pacific Beach more appealing to tourists and locals and to make it safer. There was an even mix of those who sought cleaning services and security services. A broad group supported the idea of a capital maintenance program that would provide for repair of infrastructure that was commonly neglected.

The Corporation's outreach efforts included: 1) two mailed surveys to property owners and one hand delivered survey to business owners, 2) a public forum for larger stakeholders within the district held in January 2008 followed by a presentation to the Pacific Beach Planning Committee on 01/23/2008, 3) a mailer to all property owners and business owners in the April of 2008, 4) personal visits and telephone calls with property owners throughout fall of 2007 and spring 2008; and 4) a community forum is planned for June 2008. Additional public outreach was made by Corporation's Board and staff including regular updates before the Pacific Beach Town Council. Information was regularly included in the Pacific Beach Business newsletter PB Business Wave which was distributed to 1300 businesses. Additional community meetings and informational mailings will be made by the Pacific Beach CDC over the coming months to contact each and every property owner prior to and during the public balloting period."

City staff has retained SCI Consulting Group to prepare an Engineer's Report for the requested District. This report summarizes the proposed district, describes requested services / associated costs, provides an assessment diagram and apportions property owner assessments based on the level of benefit received. District proponents had the opportunity to review and comment on the Engineer's Report. The City Council is being asked to authorize the eight (8) requested actions cited above, with authorizations for actions 5 through 8 contingent upon affirmative findings at the public hearing on July 15, 2008. If the City Council approves the requested actions, ballots describing the proposed district and the associated assessments will be mailed to all property owners of record within the proposed district boundaries. Property owners can mail or deliver the ballots to the City Clerk. Interested parties may comment at the public hearing regarding the proposed District. Ballots will be counted at the conclusion of the hearing. If a majority of property owners support formation of the District in accordance with State law, the City Council has the discretion to establish the District and levy assessments beginning in Fiscal Year 2009 as described in the Assessment Engineer's Report.

FISCAL CONSIDERATIONS:

The annual assessment for City owned property will be \$24,636. Approximately \$474,426.26 will be assessed and collected in the Western Pacific Beach Maintenance Assessment District in FY 2009 ranging from \$3.63 to \$20,182 per parcel. The proposed assessments will fund an increased level of enhanced services within the District boundaries. If the District is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget.

	<u>FY 08-09</u>	<u>Maximum Authorized</u>
REVENUES		
Assessments	\$474,426.26	\$474,426.26
Interest	\$0	\$0
<u>TOTAL REVENUES</u>	<u>\$474,426.26</u>	<u>\$474,426.26</u>
ACTIVITIES AND SERVICES EXPENSES		
General Operations	\$47,312.58	\$47,312.58
Protection	\$136,340.00	\$136,340.00
Maintenance	\$151,104.00	\$151,104.00
Special Projects	\$60,000.00	\$60,000.00
Incidentals		
City Administration	\$18,977.05	\$18,977.05
District Management	\$47,442.63	\$47,442.63
One Time Costs		
Balloting and Formation	\$13,250.00	\$13,250.00
<u>TOTAL EXPENSES</u>	<u>\$474,426.26</u>	<u>\$474,426.26</u>
BALANCE	\$0	\$0

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The outreach efforts include: 1) two mailed surveys to property owners and one hand delivered survey to business owners, 2) a public forum for larger stakeholders within the district held in January 2008 followed by a presentation to the Pacific Beach Planning Committee on 01/23/2008, 3) a mailer to all property owners and business owners in the April of 2008, 4) personal visits and telephone calls with property owners throughout fall of 2007 and spring 2008; and 5) a community forum is planned for June 2008.

Additional public outreach was made by Corporation's Board and staff including regular updates before the Pacific Beach Town Council. Information was regularly included in the Pacific Beach Business newsletter PB Business Wave which was distributed to 1300 businesses. Additional community meetings and informational mailings will be made by the Pacific Beach CDC over the coming months to contact and each property owner prior to and during the public balloting period.

Upon preliminary approval of the Engineer's report by the City Council, notices / ballots will be prepared and mailed to all property owners of the District who will then ultimately vote whether or not they support the formation of the District. Property owners will also vote whether the Pacific Beach Community Development Corporation, a non-profit, Section 501(c)(3) organization, or the City should administer the contracts for goods and services for the District.

If this action is approved, a public hearing will be scheduled where public testimony will be heard by the City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include the Pacific Beach business community, property owners and residents within the contemplated district. The Pacific Beach Community Development Corporation will manage the District if approved by property owner ballot.

NOTE: This activity is not a project and therefore not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3).

Anderson/Kessler/LO

Staff: Luis Ojeda – (619) 236-6475
Kimberly K. Harris–Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:38 a.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, JUNE 10, 2008, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

* ITEM-110: Mark D. Blake Day.

COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-1073) ADOPTED AS RESOLUTION R-303755

Commending and thanking Mark D. Blake for the hard work and support he has given to the City of San Diego's Budget and Audit Committees and recognizing his professionalism and his expertise;

Proclaiming May 14, 2008, to be "Mark D. Blake Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

* ITEM-111: National Oriental Medicine Accreditation Agency Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-1018) ADOPTED AS RESOLUTION R-303756

Recognizing the National Oriental Medicine Accreditation Agency for establishing the first Professional Doctor of Oriental Medicine Degree in the United States;

Proclaiming April 7, 2008, to be "National Oriental Medicine Accreditation Agency Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

* ITEM-112: San Diego Asian Film Foundation Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1047) ADOPTED AS RESOLUTION R-303757

Proclaiming May 8, 2008, as "San Diego Asian Film Foundation Day" in the City of San Diego in recognition of the many community services it has provided to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-113: Excusing Councilmember Toni Atkins from Attending the Audit Committee Meeting Held on April 18, 2008.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-1025) ADOPTED AS RESOLUTION R-303758

Excusing Councilmember Toni Atkins from attending the Audit Committee Meeting held on April 18, 2008, because she was on official business at that time.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-114: Excusing Council President Pro Tem Jim Madaffer from Attending the Special City Council Budget Hearing on May 8, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1020) ADOPTED AS RESOLUTION R-303759

Excusing Council President Pro Tem Jim Madaffer from attending the Special City Council Budget Hearing of May 8, 2008, because he was out of town on official City business.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-115: Excusing Council President Pro Tem Jim Madaffer from Attending the Budget Committee and Land Use and Housing Committee Meetings on May 21, 2008.

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1008) ADOPTED AS RESOLUTION R-303760

Excusing Council President Pro Tem Jim Madaffer from attending the regularly scheduled Budget Committee and Land Use and Housing Committee Meetings of May 21, 2008, because he was out of town on official City business.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

* ITEM-116: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-701) ADOPTED AS RESOLUTION R-303761

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

FILE LOCATION: GEN'L - State of Emergency Regarding the Wildfires

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-117: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-815) ADOPTED AS RESOLUTION R-303762

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-118: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-754) ADOPTED AS RESOLUTION R-303763

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- * ITEM-119: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-863) ADOPTED AS RESOLUTION R-303764

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: GEN'L - State of Emergency Regarding the Landslide on Mount Soledad

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea

- ITEM-330: Amendments to the San Diego Municipal Code Eliminating the Surplus Undistributed Earnings ("Waterfall") Relating to the City Employees' Retirement System. (Citywide.)

(See memoranda from Council President Peters dated 4/25/2008, 4/8/2008, 11/8/2007, 8/27/2007, and 6/19/2007; and Independent Budget Analyst Report No. 07-59.)

(Continued from the meeting of April 29, 2008, Item 331, at the request of City Attorney, for further review.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take **one** of the following actions:

Version A: SDCERS Draft Ordinance

CONTINUED TO TUESDAY, JUNE 17, 2008

Amending Chapter 2, Article 4, Division 15, of the San Diego Municipal Code, by repealing and adding Sections 24.1501 and 24.1502, amending Sections 24.1503 and 24.1504, and adding Section 24.1503.5, and repealing Section 24.1507, all relating to "Surplus Earnings" and the "Waterfall".

Directing the City Attorney to prepare the appropriate resolutions and/or ordinances in accordance with Charter Section 40.

OR

Version B: (O-2007-93 Cor. Copy) City Attorney Ordinance

CONTINUED TO TUESDAY, JUNE 17, 2008

Amending Chapter 2, Article 4, Division 9, of the San Diego Municipal Code, by amending Sections 24.0904 and 24.0906 and amending Chapter 2, Article 4, Division 15 of the San Diego Municipal Code, by repealing Sections 24.1501 and 24.1502 and amending Sections 24.1503, 24.1504, and repealing present Section 24.1507 and replacing it with new Section 24.1507, all relating to the "Waterfall".

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:17 p.m. - 3:17 p.m.)

MOTION BY HUESO TO CONTINUE TO TUESDAY, JUNE 17, 2008, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: Amendment to the Consultant Agreements with Macias Gini & O'Connell, LLP (Macias) to Audit the City's Fiscal Year 2004, 2005, 2006, and 2007 Comprehensive Annual Financial Reports (CAFRs).

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1045) ADOPTED AS RESOLUTION R-303768

Authorizing the Mayor to amend the agreement with Macias Gini & O'Connell, LLP (Agreement), for audit services for the City of San Diego Fiscal Year 2006 and 2007 Financial Statements to allow for additional expenditures under the Agreement in an amount not to exceed \$1,380,000;

Authorizing the City Auditor and Comptroller to transfer up to \$979,800 from the Appropriated Reserve, Dept. 601, to the General Fund Citywide Department, Dept. 602, Org. 2450, to pay the General Fund portion of the audit expenditures.

SUPPORTING INFORMATION:

On January 27, 2004, the City filed a voluntary financial disclosure concerning, in part, certain errors and correctible statements in the City's Fiscal Year 2002 Comprehensive Annual Financial Report ("CAFR"). As a result, the Fiscal Year 2003, Fiscal Year 2004, Fiscal Year 2005 and 2006 were significantly delayed.

The City retained Macias, Gini & O'Connell, LLP (Macias) to perform the audits of the City's CAFRs for Fiscal Years ending June 30, 2004 through 2007, as well as the Single Audits and related entities audits for same fiscal years, including the City's Redevelopment Agency. The City has incurred greater than expected costs for the audits of CAFR's for FY 2004 - 2007, the additional procedures identified by Macias as needed due to weaknesses in internal controls over financial reporting, and items/events raised by the City Attorney which included allegations on the illegality of the Preservation of Benefits plan. The Mayor is requesting that we amend the total award for Fiscal Years 2004 through 2007 as outlined in Attachments A and B.

FISCAL CONSIDERATIONS:

The total cost of this action will be \$1,380,000. All audit costs will be charged directly to the benefited funds under audit pursuant to the attached schedule.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-299905 dated 11/29/2004
Resolution R-300771 dated 08/08/2005
Resolution R-302153 dated 12/04/2006
Resolution R-302879 dated 07/24/2007

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/AKEY STAKEHOLDERS AND PROJECTED IMPACTS:

To return to the public finance market the City must issue its basic financial statements. In addition, to continue to be eligible for federal grants in excess of a total of \$500,000 the City must complete its federal single audits.

Levin/Lewis

Aud. Cert. 2800679.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:36 p.m. - 3:16 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Altadena Avenue Undergrounding Utility District. Set a date for public hearing to consider creating the Underground Utility District (Districts), and certification of the Mitigated Negative Declaration, Project No. 139574. (Mid-City and City-Heights Community Plan Area. District 7.).

NOTE: Second hearing will be held on June 17, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-937) ADOPTED AS RESOLUTION R-303769

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Altadena Avenue Underground Utility District in the Mid-City, City-Heights Community Planning Area.

STAFF SUPPORTING INFORMATION:

EXECUTIVE SUMMARY:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance these actions will create the Altadena Avenue from El Cajon Blvd to Euclid Ave Underground Utility District and will underground all overhead utilities within the designated Districts.

In accordance with City Council Policy 600-08, Underground Conversion of Utility Lines by Utility Company, the proposed Districts are identified in CIP-37-028.0 and were approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of the districts will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires and poles within the established boundaries. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs. Replacement of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDGE). By Ordinance, creation of the Underground Utility Districts will require all property owner(s) within said Districts to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDGE will offer to property owner(s) within the Underground Utility Districts, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

Any necessary agreements between the City and utility companies associated with this work are subject to all applicable California Public Utility Commission (CPUC) Equal Opportunity Contracting guidelines and mandates. Any work that does not fall under the CPUC authority shall be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-1873, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

FISCAL CONSIDERATIONS:

The estimated construction cost of \$4,149,418 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television is financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, archaeological monitoring, street light replacement, minor street improvements, and other related work is estimated at \$616,002 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions. During construction, e-mail's will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Jarrell/MG/NB

NOTE: The City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration, Project No. 139574, dated April 23, 2008, and Mitigation, Monitoring and Reporting Program covering this activity.

Staff: Nathan Bruner – (619) 533-7426
Ryan Kohut - Deputy City Attorney

FILE LOCATION: K-330(38)

COUNCIL ACTION: (Time duration: 3:17 p.m. - 3:20 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Jutland Drive Undergrounding Utility District. Set a date for a public hearing to consider creating the Underground Utility District. (Clairemont Mesa Community Plan Area. District 6.)

NOTE: Second hearing will be held on June 17, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-934) ADOPTED AS RESOLUTION R-303770

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Jutland Drive Underground Utility District in the Clairemont Community Planning Area.

STAFF SUPPORTING INFORMATION:

EXECUTIVE SUMMARY:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance these actions will create the Jutland Drive Underground Utility District from Camino Coralina to Luna Ave and will underground all overhead utilities within the designated District.

In accordance with City Council Policy 600-08, Underground Conversion of Utility Lines by Utility Company, the proposed District is identified in CIP 37-028.0 and was approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of this district will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs. Replacement of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDGE).

By Ordinance, creation of this Underground Utility District will require all property owner(s) within said District to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDGE will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

Any necessary agreements between the City and utility companies associated with this work are subject to all applicable California Public Utility Commission (CPUC) Equal Opportunity Contracting guidelines and mandates. Any work that does not fall under the CPUC authority shall be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-1873, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

FISCAL CONSIDERATIONS:

The estimated construction cost of \$1,930,175 for electrical utility work within the public right-of-way and private property, will be financed through the use of SDG&E Rule 20 (A), as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television is financed directly by AT&T and the cable companies per applicable CPUC tariffs and City franchise agreements.

Other indirect costs such as administration, archaeological monitoring, street light replacement, minor street improvements, and other related work is estimated at \$317,728 and will be financed through Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from SDG&E. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions.

During construction, e-mails will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Jarrell/MG/NB

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

Staff: Nathan Bruner – 619-533-7426
Ryan Kohut - Deputy City Attorney

FILE LOCATION: K-333(38)

COUNCIL ACTION: (Time duration: 3:20 p.m. - 3:20 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-334: Various Surcharge Funded Undergrounding Utility Districts. Set a date for public hearing to consider creating Underground Utility Districts: Residential Project Block 2T (Pacific Beach North); Residential Project Block 7A (Fox, Canyon); and Residential Project Block 8B (Sherman Heights 3) and certification of the Mitigated Negative Declaration, Project No. 139574. (Various Community Planning Areas. Districts 2, 7, and 8.)

NOTE: Second hearing will be held on June 17, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-953) ADOPTED AS RESOLUTION R-303771

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Residential Project Block 2T (Pacific Beach North) Surcharge Funded Underground Utility District.

Subitem-B: (R-2008-956) ADOPTED AS RESOLUTION R-303772

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Residential Project Block 7A (Fox Canyon) Surcharge Funded Underground Utility District.

Subitem-C: (R-2008-959) ADOPTED AS RESOLUTION R-303773

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Residential Project Block 8B (Sherman Heights) Surcharge Funded Underground Utility District.

STAFF SUPPORTING INFORMATION:

EXECUTIVE SUMMARY:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance these actions will create the Underground Utility Districts Residential Project Block 2T (Pacific Beach North); Residential Project Block 7A (Fox Canyon); and Residential Project Block 8B (Sherman Heights 3) and will underground all overhead utilities within the designated Districts.

In accordance with City Council Policy 600-08, Underground Conversion of Utility Lines by Utility Company, the proposed Districts are identified in CIP 37-028.0 and were approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

Replacement of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDGE).

By Ordinance, creation of these Underground Utility Districts will require all property owner(s) within said Districts to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDGE will offer to property owner(s) within the Underground Utility Districts, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s).

In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

Any necessary agreements between the City and utility companies associated with this work are subject to all applicable California Public Utility Commission (CPUC) Equal Opportunity Contracting guidelines and mandates. Any work that does not fall under the CPUC authority shall be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-1873, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

FISCAL CONSIDERATIONS:

The construction cost and other indirect costs such as administration, street light replacement, street improvement, minor City forces, and other related work is estimated at \$27,318,219. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

PREVIOUS COUNCIL COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions.

During construction, e-mails will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Jarrell/MG/NB

NOTE: The City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration, Project No. 139587, 139592, and 139593 dated April 23, 2008, and Mitigation, Monitoring and Reporting Program covering this activity.

Staff: Nathan Bruner -- (619) 533-7426
Ryan Kohut - Deputy City Attorney

FILE LOCATION: K-332(38)

COUNCIL ACTION: (Time duration: 3:20 p.m. - 3:21 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-335: Various Surcharge Funded Undergrounding Utility Districts. Set a date for public hearing to consider the formation of the Underground District: Residential Project Block 3H (Talmadge 3); Residential Project Block 4Z (Paradise Hills North); Residential Project Block 61 (Bay Ho 2); and Patrick Henry High Block. (Various Community Planning Areas. Districts 3, 4, 6, and 7.)

NOTE: Second hearing will be held on June 17, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-944) ADOPTED AS RESOLUTION R-303774

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Residential Project Block 3HH (Talmadge 3) Surcharge Funded Underground Utility District.

Subitem-B: (R-2008-946) ADOPTED AS RESOLUTION R-303775

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Residential Project Block 4A (Paradise Hills North) Surcharge Funded Underground Utility District.

Subitem-C: (R-2008-948) ADOPTED AS RESOLUTION R-303776

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Residential Project Block 6I (Bay Ho) Surcharge Funded Underground Utility District.

Subitem-D: (R-2008-951) ADOPTED AS RESOLUTION R-303777

Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Patrick Henry High Block Surcharge Funded Underground Utility District.

STAFF SUPPORTING INFORMATION:**EXECUTIVE SUMMARY:**

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance these actions will create the Underground Utility Districts Residential Project Block 3HH (Talmadge 3); Residential Project Block 4Z (Paradise Hills North); Residential Project Block 6I (Bay Ho 2); and Patrick Henry High Block and will underground all overhead utilities within the designated Districts.

In accordance with City Council Policy 600-08, Underground Conversion of Utility Lines by Utility Company, the proposed Districts are identified in CIP 37-028.0 and were approved per Council Resolution R-300572, as part of the FY 2006 Annual Allocation of Underground Utility Projects.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

Replacement of street lighting, street restoration, tree replacement, pedestrian ramp installations, building permits, building and field engineering inspections, archeological monitoring, associated utility coordination of construction activities, and all associated engineering and project management associated with these improvements, will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric (SDGE).

By Ordinance, creation of these Underground Utility Districts will require all property owner(s) within said Districts to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits. However, per agreement with the City of San Diego, SDGE will offer to property owner(s) within the Underground Utility Districts, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s).

In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE) and ensure their properties meet minimum conformance as outlined in the SDMC. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; and (3) have appropriate operating clearances.

Any necessary agreements between the City and utility companies associated with this work are subject to all applicable California Public Utility Commission (CPUC) Equal Opportunity Contracting guidelines and mandates. Any work that does not fall under the CPUC authority shall be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-1873, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

FISCAL CONSIDERATIONS:

The construction cost and other indirect costs such as administration, street light replacement, street improvement, minor City forces, and other related work is estimated at \$34,657,544. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

PREVIOUS COUNCIL COMMITTEE ACTION:

City Council Resolution R-300572, FY2006 Annual Allocation of Undergrounding Projects, and associated Manager's Report 05-149.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

With notification of the Public Hearing, property owners and residents will be mailed an informational brochure about the City's Undergrounding Program including information as to how to contact and get more information via the Underground Program Information Line and the Underground Program via the internet, where they can access a monthly project status and sign up for email updates from the Underground Program Staff. Prior to the start of construction affected property owner(s) and/or tenant(s) are invited to a two hour community forum regarding the project and the construction process, get project maps and schedules, and speak to utility company representatives about individual questions.

During construction, e-mails will be periodically sent to those signed up, information regarding the status of their project, where the contractor is working and where he will be working next. Residents are provided door hangers with the contractors name and contact number and the City's contact name, number and internet address prior to work occurring on private property. Community Planning groups are added to all customer contact mailings and are notified of pre-construction meetings to discuss community issues directly with the contractor. Customer satisfaction surveys are used throughout the process and at project completion to identify systemic issues and improve customer service.

KEY STAKEHOLDERS:

Residents, businesses, and utility companies.

Boekamp/Jarrell/MG/NB

NOTE: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D, dated August 11, 1995.

Staff: Nathan Bruner – (619) 533-7426
Ryan Kohut - Deputy City Attorney

FILE LOCATION: K-333(38)

COUNCIL ACTION: (Time duration: 3:21 p.m. - 3:22 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-336: Modification of North Park Business Improvement District. (North Park
Community Plan Area. District 3.)

Declare intent to modify the North Park Business Improvement District by
modifying the basis and method of assessment and by expanding the boundaries;
to levy assessments; to modify the North Park Business Improvement District
FY2009 Budget Report; to set June 24, 2008 as the noticed public meeting date;
and to set July 28, 2008 as the noticed public hearing date to allow for public
testimony regarding the proposed modifications and to hear all protests.

NOTE: Public Meeting will be held on June 24, 2008.
Public Hearing will be held on July 28, 2008.
Second Reading will be held on September 2, 2008.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1069) ADOPTED RESOLUTION R-303778

A Resolution of the Council of the City of San Diego declaring its intent to amend
Ordinance No. O-16841 to modify the North Park Business Improvement District
(BID) by changing the basis of assessment and expanding the boundaries of the
district; to levy assessments; to modify the North Park Business Improvement
District FY2009 Budget Report; and to set public hearings therefore.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION(S):

At the first Council Date (Council meeting of May 27, 2008):

Declare intent to modify the North Park Business Improvement District by modifying the basis and method of assessment and by expanding the boundaries; to levy assessments; to modify the North Park Business Improvement District FY2009 Budget Report; to set June 24, 2008 as the noticed public meeting date; and to set July 28, 2008 as the noticed public hearing date to allow for public testimony regarding the proposed modifications and to hear all protests.

At the second Council Date (Council meeting of June 24, 2008)

Hold public meeting and permit testimony in support of or in opposition to the modification of the District, the levying of assessments on businesses, and the modification to the North Park Business Improvement District FY2009 Budget Report.

At the third Council date (Council meeting of July 28, 2008)

Hold the public hearing and permit testimony in support of or in opposition to the modification of the District, the levying of assessments on businesses, and the modification to the North Park Business Improvement District FY2009 Budget Report. Introduce the Ordinance amending the North Park Business Improvement District and confirming the modified FY2009 Budget Report. The effective date of the Ordinance and the modified Budget Report shall be November 1, 2008. (A second reading of the Ordinance is required).

STAFF RECOMMENDATION: Approve the requested actions.

EXECUTIVE SUMMARY:

An effort to modify the North Park Business Improvement District (NPBID) has been ongoing for a number of months under the auspices of the North Park Organization of Businesses (North Park Main Street). The proposed modifications include changing the assessment methodology within the existing NPBID boundaries and expanding the boundaries to include adjacent commercial areas within the North Park community using the proposed assessment methodology. The purpose of the modification is to increase the amount of resources available from within the existing BID boundaries and to build on the synergy between the commercial areas along University Avenue and 30th Street to better benefit the businesses in the larger commercial area.

The proposed assessment methodology would create four categories of business based on the number of employees and the assessments would range from \$125 up to \$500 annually. The expansion of NPBID would add businesses located along: 2004-2749 University Avenue; 3300-3799 and 4000-4199 30th Street; 2900-3049 Upas Street; 2900-3099 Dwight Street; and 2900-3099 Polk Avenue.

A Business Improvement District (BID), as authorized by California law, is a government-designated assessment area formed with the support of businesses to improve their business conditions. BID assessments are collected at the same time as the City's Business Tax but are accounted for separately by the City. All BID assessments are returned to the District from which they were collected to be used for improvement programs operated by the business membership and shaped by the needs of the district's businesses.

The City Council has adopted Council Policy 900-07 on Business Improvement Districts to clarify the process by which BIDs may be established or modified. The policy states that proposed increases in assessment levels within an existing BID should be approved by at least two-thirds of the board of directors and that a proposed expansion of BID boundaries should be supported by 20% of eligible businesses within the expansion area as demonstrated by a petition.

In January 2008, City Staff received notice of board approval to increase assessments in the NPBID. In February 2008, City staff received a number of petitions in support of expanding the NPBID and verified that the 20% threshold had been met. In accordance with Council Policy 900-07, City staff then conducted mailed ballot procedures to determine the level of support among the affected businesses in the existing District for increasing the assessments and among the affected businesses in the expansion area proposed to be included in the NPBID.

Council Policy 900-07 also provides that if a majority of those responding, when measured both numerically and when weighted by the amount of the proposed assessment, support the modifications then City Council may proceed with the public hearing process to amend the BID ordinance. A majority of the responding businesses in the existing NPBID supported the change in assessment methodology (numerically 68.8% / weighted 68.6%) and a majority of responding businesses within the proposed expansion area supported the expansion and the proposed levying of assessments (numerically 55.2% / weighted 56.9%). Pursuant to the Parking and Business Improvement Area Law of 1989 and the Ralph M. Brown Act a multi-step hearing process at Council is required and certain mailing and noticing requirements must occur.

FISCAL CONSIDERATIONS:

Approximately \$50,000 of additional annual assessments will be collected from the existing businesses as well as those businesses in the expanded area. It is anticipated that assessments would be levied and collected starting November 1, 2008 once approved by Council.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The NPBID was established by Ordinance No.O-16481, adopted on July 29, 1985.

EQUAL OPPORTUNITY CONTRACTING:

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

North Park Main Street mailed letters and sent e-mails to BID businesses to notify them when the BID modifications were discussed at Board meetings and business mixers. All businesses holding a business tax certificate also received a ballot and information concerning the change in assessment methodology or the proposed expansion and levying of assessments.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Businesses within the BID are the key stakeholders of this action and would be impacted by the levying of the annual assessment in the amount of \$125 to \$500 per year depending on the location of the business and the business category.

Kessler/Anderson/MDB

Staff: Meredith Dibden-Brown -- (619) 236-6485
Kim Harris -- Deputy City Attorney

FILE LOCATION: J-7(32)

COUNCIL ACTION: (Time duration: 3:22 p.m. - 3:22 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-337: Streetscape Improvements on the Imperial Avenue Corridor -- Central Imperial
Redevelopment Project Area. (Southeastern San Diego Community Area.
District 4.)

(See Southeastern Economic Development Corporation Report No.
SEDC-08-009.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-1054) ADOPTED AS RESOLUTION R-303779

Finding and determining that the construction of the Streetscape Improvements along Imperial Avenue from 45th Street to Euclid Avenue (Project) for which the Redevelopment Agency proposes to contribute funding, is of benefit to the Central Imperial Redevelopment Project Area; that no other reasonable means of financing the Project is available to the community; that the Project will assist in the elimination of one or more blighting conditions inside the Project Area; and that the Project is consistent with the Implementation Plan adopted pursuant to Community Redevelopment Law, Section 33490 as more fully described in the Findings, Attachment No. 2;

Declaring that this activity is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c) and Section 15304.

SUPPORTING INFORMATION:

The Imperial Avenue Corridor Master Plan (Master Plan), was completed in December 2005, to guide the redevelopment of two segments of the Imperial Avenue Corridor located within the Central Imperial Redevelopment Project Area. Included in the Master Plan are recommendations for streetscape enhancements including landscaping improvements and furnishings along Imperial Avenue.

SEDC began the engineering research and surveys necessary for design of the improvements and enhancements on the western segment of Imperial Avenue, from 45th Street to Euclid Avenue in March 2007. These improvements, reviewed and approved by the SEDC Board and the Central Imperial Project Area Committee in June 2007, include three areas along Imperial Avenue.

Proposed Improvements

The total estimated costs are \$435,000. The improvements and projects include (Attachment 1):

Imperial Avenue & 49th Street - The Central Imperial Redevelopment Project Area is the location of the new Abraham Lincoln High School. Currently, there is a long residential privacy wall opposite Lincoln High School at 49th Street that is an opportunity to improve the attractiveness and pedestrian experience along Imperial Avenue,

NW and SW Corners of Imperial Avenue & 45th Street - These improvements will enhance an area heavily traveled by students attending Lincoln High School, Gompers Charter Middle School and Walter Porter Elementary School. Immediately adjacent to Las Chollas Creek, native plants in a formal arrangement will call attention to this significant intersection and will be improved with a concrete sidewalk. On the south side of the intersection, the existing bus stop will be improved with a concrete pad, a fence adjacent to the existing sidewalk, a new bus shelter and trash/recycling receptacles.

Intersections along Imperial Avenue between 49th Street and Euclid Avenue - Opportunities exist to transform the right-of-way areas and intersection areas along Imperial Avenue. A site or sites will be identified that could provide a community amenity and provide an attractive streetscape and could include benches, trash receptacles, plantings, screenings, shade, and a more comfortable area for pedestrians and transit users.

FINDINGS:

California Community Redevelopment Law (CCRL) Health and Safety Code Section 33445, requires that certain findings be made by the Council and Agency prior to the expenditure of Agency funds for public facilities/improvements. Attachment 2, Findings, contains the proposed findings with respect to the payment of Agency funds for public Improvements.

FISCAL CONSIDERATION:

Funding of the improvements has been included in the FY07/08 Project Budget approved by the City Council/Agency on May 15, 2007.

COMMUNITY PARTICIPATION:

On October 24, 2007, the SEDC Board of Directors approved the recommendation that the Agency approve the issuance of bids, contractor selection, and expenditure of funds for the implementation of the streetscape concepts along the Imperial Avenue Corridor from 45th Street to Euclid Avenue.

EQUAL OPPORTUNITY CONTRACTING:

This contract is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 27.2701 through 27.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

The Streetscape Improvements will be awarded under the Executive Director's authority to award contracts when the project and funding have been approved by Council. Prior to award of any contract, a work force report, and if necessary, an Equality Opportunity Employment Plan

shall be submitted. SEDD staff will evaluate the bidder's compliance with contract goals and the good faith effort. Failure to comply with the programs requirements will lead to the bid being declared non-responsive.

Funding Agency: SEDC on behalf of the Redevelopment Agency

Prevailing Wages: Prevailing wages does not apply to this contract.

CONCLUSION:

The proposed improvements along Imperial Avenue from 45th Street to Euclid Avenue will provide a pedestrian-friendly, safe streetscape for community members as they walk, drive, live, work and play in the community.

Brooks/Smith

NOTE: See the Redevelopment Agency Agenda of May 27, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. - 3:27 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-338: Installation of Streetlights Along Imperial Avenue – Central Imperial
Redevelopment Project Area. (Southeastern San Diego Community Area.
District 4.)

(See Southeastern Economic Development Corporation Report No.
SEDC-08-004.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:

Adopt the following resolution:

(R-2008-892) ADOPTED AS RESOLUTION R-303780

Finding and determining that the Installation of Streetlights along Imperial Avenue (Project) for which the Redevelopment Agency proposes to contribute funding, is of benefit to the Central Imperial Redevelopment Project Area; that no other reasonable means of financing the Project is available to the community; and that the Project will assist in the elimination of one or more blighting conditions inside the Project Area, and that the Project is consistent with the Implementation Plan adopted pursuant to Community Redevelopment Law, Section 33490;

Authorizing the expenditure and transfer of funds in the amount of \$210,000 to the City from the Central Imperial Redevelopment Project Area, Imperial Avenue 61st-69th Streets, Fund No. 98789 to CIP-61-203.1, Installation of Streetlights - Imperial Avenue from 61st to 69th Streets, to be used for the purpose of the installation of streetlight within the Central Imperial Redevelopment Project Area;

Authorizing a \$210,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP-61-203.1, Fund _____, Installation of Streetlights - Imperial Avenue from 61st to 69th Streets, and

Authorizing the appropriation and expenditure of up to \$210,000 from CIP-61-203.1, Fund _____, Installation of Streetlights - Imperial Avenue from 61st to 69th Streets for installation of twenty-one streetlights;

Declaring that this action is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301(c) and Section 15304(f).

SUPPORTING INFORMATION:

The Imperial Avenue Corridor Master Plan (Master Plan), completed in December 2005, provides an implementation strategy for redevelopment of two segments of the Imperial Avenue Corridor within the Central Imperial Redevelopment Project Area, from 45th Street and Euclid Avenue and from 61st to 69th Streets. Included in the Master Plan are recommendations for increased commercial and residential development and the creation of a pedestrian-friendly streetscape along Imperial Avenue.

City of San Diego Transportation Department staff identified 21 streetlights to be installed along Imperial from 61st to 69th Streets to conform to Council Policy 200-18, Mid-Block Street Light Policy for Developed Areas. (Attachment 1)

The requested actions will allow for the installation of a minimum of twenty-one mid-block, hi-pressure sodium streetlights on Imperial Avenue. The project will include the underground utility studies, right-of-way approvals, location and utility design, trenching, utility connections, bidding, construction and all other items necessary for the installation of the streetlights. Installation of the additional mid-block streetlights will facilitate safe operation of traffic, give pedestrians a safer traveling environment, promote nighttime use of sidewalks, public transportation and commercial shopping areas, and increase citizen perception of safety from crime. City Transportation Department project cost estimates total \$210,000, and include all necessary City costs for the design and installation of the additional streetlights. (Attachment 2)

FINDINGS:

California Community Redevelopment Law (CCRL) Health and Safety Code Section 33445, requires that certain findings be made by the Council and Agency prior to the expenditure of Agency funds for public facilities/improvements. Attachment 3, Findings, contains the proposed findings with respect to the expenditure of Agency funds for public improvements.

FISCAL CONSIDERATION:

Funding of the improvements has been included in the FY07/08 SEDC Project Budget approved by the City Council/Agency on May 15, 2007.

PREVIOUS AGENCY AND/OR COMMITTEE ACTION:

The Land Use and Housing Committee of the San Diego City Council reviewed the Imperial Avenue Corridor Master Plan at its meeting held November 30, 2005.

COMMUNITY PARTICIPATION:

On October 24, 2007, the SEDC Board of Directors approved the recommendation that the Agency approve the transfer of funds in the amount of up to \$210,000 for the installation of mid-block streetlights on Imperial Avenue between 61st and 69th Streets.

CONCLUSION:

The proposed installation of an additional twenty-one mid-block streetlights along Imperial Avenue from 61st to 69th Streets will provide a pedestrian-friendly, safe environment for community members as they walk, drive, live, work and play in the community.

Brooks/Smith

NOTE: See the Redevelopment Agency Agenda of May 27, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:27 p.m. - 3:27 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Hueso. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-339: Approval of the Issuance of a Bid, Contractor Selection, and Expenditure of Funds for the Public Improvements Along Market Street in the Mt. Hope Redevelopment Project Area. (Southeastern San Diego Community Area. District 4.)

(See Southeastern Economic Development Corporation Report No. SEDC-08-007.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2008-984) RETURNED TO STAFF

Finding and determining that the construction and installation of public improvements with additional street lighting and landscaped medians along Market Street (Project) for which the Redevelopment Agency proposes to contribute funding, is of benefit to the Mount Hope Redevelopment Project Area; that no other reasonable means of financing the Project is available to the community; that the payment of funds for the Project will assist in the elimination of one or more blighting conditions inside the Project Area; and that the Project is consistent with the Implementation Plan adopted pursuant to Community Redevelopment Law, Section 33490, as more fully described in the Findings, Attachment No. 3;

Declaring that this activity is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c).

SUPPORTING INFORMATION:

In May 2006, the Agency approved the "Mount Hope Public Improvements - Phase II" as part of the Fiscal Year 2006-07 SEDC Budget, and again in May 2007 as part of the continuing appropriations in the Fiscal Year 2007-08 SEDC Budget.

The project provides for street improvements including the installation of landscaped medians on Market Street (between Boundary Street and I-805) and installation of streetlights in the same area.

The Market Street Median and Street Light Project was designed, using input provided by residents and stakeholders during a series of community meetings, and involves construction of three street medians on Market Street between Boundary Street and 41st Street. Two of the three street medians will be landscaped to include street trees, decorative paving, and planting shrubs. The project also involves the installation of new streetlights and the replacement of several existing lights on telephone poles with free-standing light poles on six residential streets south of Market Street. These streets include 41st Street, Morrison Street, 42nd Street, Toyne Street, Denby Street, and 43rd Street. These streetlights will help to improve safety, address the lack of adequate streetlights, and will comply with City standards on the spacing of streetlights. The street medians will improve safety, the streetscape appearance for pedestrians, commuters, and transit users, and neighborhood recognition by providing continuity of existing medians. Construction costs have been estimated by the civil engineering firm. Before the issuance of a bid, a formal cost estimate will be prepared by a cost estimating consultant for the purpose of providing the basis for the construction bid cost evaluation. The project cost estimates will include mobilization, erosion control, demolition and resurfacing, storm drain and water system coordination, landscape and irrigation, and dry utilities coordination. The total estimated cost, including contingency, is \$523,000.

FINDINGS:

California Community Redevelopment Law (CCRL) Health and Safety Code Section 33445, requires that certain findings be made by the Council and Agency prior to the expenditure of Agency funds for public facilities/improvements. Attachment 3, Findings, contains the proposed findings with respect to the expenditure of Agency funds for public improvements.

FISCAL CONSIDERATION:

Funds in the amount of \$309,000 were approved in the SEDC FY07-08 program budget. The total amount of the project is \$523,000 and will require an amendment to the budget for the additional \$214,000.

PREVIOUS AGENCY ACTIONS:

On September 10, 2002, the Agency authorized the City Manager to apply to HUD for a Section 108 Loan for Mt. Hope Public Improvement Projects and other currently completed projects and to accept and expend funds, if the loan is approved.

COMMUNITY PARTICIPATION:

In 2005, a series of community planning and design meetings were held for residents and stakeholders of the Mount Hope community to provide ideas for revitalizing Mount Hope. In 2006, the Mount Hope Revitalization Feasibility Study and recommendations for public improvements were presented to the public for feedback. After gathering input from residents and stakeholders, the engineering team drafted design plans for new street medians and streetlights. These plans were presented to the public in August 2007 for public feedback helping to further refine the current project plans.

At its meeting of January 23, 2008, the SEDC Board of Directors unanimously recommended that the Redevelopment Agency approve the issuance of a bid contractor selection and expenditure of funds for the public improvements along Market Street in the Mount Hope Redevelopment Area.

CONCLUSION:

The street medians and streetlights are being proposed as part of a comprehensive strategy to implement the Mount Hope Redevelopment Plan.

DePerio/Smith

Aud. Cert. 2800787.

NOTE: See the Redevelopment Agency Agenda of May 27, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:30 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO STAFF. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-340: Request to Bid for Installation of Cortez Streetlights – Phase I. (Cortez Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

(See Centre City Development Corporation Report No. CCDC-08-18/
CCDC-08-09.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1057) ADOPTED AS RESOLUTION R-303781

Finding and determining that the construction of the Installation of Cortez Streetlights – Phase I (Project) for which the Redevelopment Agency proposes to pay is of benefit to the Project Area;

Finding and determining that no other reasonable means of financing the Project are available to the community and that the Project will assist in eliminating one or more blighting conditions inside the Project Area, and that the Project is consistent with the Centre City and Horton Implementation Plans for July 2004 - 2009, on file in the Office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490, all as described in Attachment B;

Determining that the Project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities - Class 1), Section 15302 (Replacement or Reconstruction - Class 2) and/or Section 15303 (New Construction or Conversion of Small Structures - Class 3).

SUPPORTING INFORMATION:

The Project calls for the installation of 155 streetlights in the Cortez District. Out of the 155 streetlights, 125 are new streetlights and 30 streetlights will be replaced because they are older lights in poor condition and have existing high-voltage wiring that will be converted to safer low-voltage circuits.

Additionally, 21 streetlights will be retrofitted with new lamps and connected to new circuits. Out of the 155 streetlights, 99 are type C Standard Fixtures and 39 are type A Gateway Fixtures, that will be installed mid-block, and 17 are type 15 Fixtures that will be installed at street

corners. The installation of 138 mid-block streetlights has been identified as an improvement that can enhance an areas' aesthetics, security and safety. The installation of streetlights will correct adverse health and safety conditions.

FISCAL CONSIDERATIONS:

Funds are available in the Fiscal Year 2008 Budget under "Cortez Streetlights Phases I & II" in the amount of \$1,603,300. The contract award amount will not exceed \$1,603,300.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On April 30, 2008, the Corporation voted in favor of the staff recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Cortez neighborhood has an informal residents group that has an extensive e-mail distribution list. Utilizing that e-mail distribution list, over 200 residents have been informed of the Project and staff has received positive feedback from the residents.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders for the project are residents and businesses located in the Project Area along with visitors to downtown.

Diekman/Graham

NOTE: See the Redevelopment Agency Agenda of May 27, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:28 p.m. - 3:29 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-341: Agreement with Burgener-Clark, LLC for the Construction and Maintenance of the Clairemont Drive Median. (Clairemont Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1026)

ADOPTED AS RESOLUTION R-303782

Finding and determining that: (a) that the Clairemont Drive median improvements are of benefit to the North Bay Redevelopment Project Area; (b) that no other reasonable means for financing is available to the community; (c) that the Project will assist in eliminating one or more blighting conditions in the Project Area; and (d) that the Project is consistent with the Implementation Plan adopted for the Project by the Agency July 29, 2003, on file as Document No. 03664 in the Office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490. These findings are set forth in more detail in Attachment 1;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the purpose of funding on-going, long-term maintenance of the Clairemont Drive median;

Authorizing the City Auditor and Comptroller to accept a one-time payment of \$100,000 from Burgener-Clark, LLC to be deposited in the interest-bearing Fund for the long-term maintenance of the Clairemont Drive median;

Authorizing the City Auditor and Comptroller to appropriate and expend up to \$5,000 per fiscal year, adjusted for inflation, from the special interest-bearing fund for maintenance of the Clairemont Drive median, contingent upon the City Auditor and Comptroller certifying funds are available;

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

It is proposed that the Redevelopment Agency (the Agency) enter into an agreement with Burgener-Clark, LLC (the Developer) for the construction of the Clairemont Drive median improvements (the Median)(Attachment 1-Participation Agreement). Development costs for the Median are estimated not to exceed \$215,000.

The Median is located in front of the Developer's proposed development of a new 75,000 square foot retail center (Bayview Plaza Project), fronting Clairemont Drive, between Morena Boulevard and Denver Street. It is proposed that the Developer be reimbursed for Median costs including design, construction, and landscaping. The Developer will be reimbursed up to \$215,000 for the improvements, to be funded by tax increment from the North Bay Project Area. With respect to ongoing maintenance, it is proposed that the Developer make a one-time

payment to the City of San Diego (the City) of \$100,000 to be deposited in a special interest bearing account for funding the maintenance of the Median. The Park and Recreation Department would assume custody of the endowment funds and maintain the Median. According to the City's Investment Office, the \$100,000 deposit will cover maintenance costs for a minimum period of 20 years. Prior to the exhaustion of the endowment fund, if a new maintenance vehicle (e.g. Maintenance Assessment District) is not identified, funds from the endowment fund should be used to remove the landscaping and restore the median to its prior condition.

The current Clairemont Drive median is deficient and exhibits blighted conditions that have existed since the adoption of the North Bay Redevelopment Plan in 1998. It is anticipated that the Median will provide safer ingress and egress for vehicular traffic flow on Clairemont Drive because of its traffic calming features. With new landscaping and a community welcome sign, the Median will enhance the aesthetic appearance of the entryway into the Clairemont community from two Interstate-5 off-ramps. In addition, these improvements could serve to stimulate economic activity for the commercial area.

The Median is proposed to be constructed concurrently with the Developer's construction of the Bayview Plaza Project. It is projected that the Median will be completed no later than June 2009.

Finally, pursuant to California Community Redevelopment Law (CCRL), Section 33445, the Agency is legally authorized to pay for the construction of public improvements within a project area when certain legal findings can be made by the Agency. Attachment 2 – Special Findings provides the necessary findings to satisfy the requirements under CCRL Section 33445.

FISCAL CONSIDERATIONS:

Total project costs are estimated at \$215,000. Funding is available from North Bay Redevelopment Project Area tax increment. Funding from the special interest bearing account associated with this action will pay for the on-going maintenance of the Median.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The North Bay PAC voted 6-2-1, to recommend funding for the Clairemont Drive median improvements at its April 23, 2008 meeting. The Clairemont Mesa Community Planning Group supports the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Business and property owner near the proposed Clairemont Drive median improvements.

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Weinrick/Anderson

Staff: Lydia Goularte-Ruiz - (619) 236-6539
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 27, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:30 p.m. - 3:31 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-342: Bayview Plaza. Certify Addendum No. 149101 to the previously certified MND No. 5540, approval of Planned Development Permit No. 525776, Site Development Permit No. 525777, and Tentative Map No. 525789, including ROW Vacation to construct a 74,870 square foot commercial center at 2509-2591 Clairemont Drive. (Clairemont Mesa Community Plan Area. District 6.)

Matter of approving, conditionally approving, modifying, or denying an application of a 74,870 square foot commercial center including retail, restaurant (including outdoor dining deck) and office development in two phases (66,470 SF in Phase 1, and 8,400 SF in Phase 2) on a 4.43 acre site at the southeast corner of Clairemont Drive and Morena Boulevard in the CC-1-3 (Community-Commercial) Zone within the Clairemont Mesa Community Plan.

(Report to Planning Commission No. PC-08-042/Addendum to MND No. 5540/MND No. 149101/MMRP/Tentative Map No. 525789/Planned Development Permit No. 525776/Site Development Permit No. 525777.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-988 Cor. Copy)

ADOPTED AS RESOLUTION R-303783

Adoption of a Resolution certifying that Addendum No. 149101 to Mitigated Negative Declaration No. 5540, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et. seq.) as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit/planned development permit and tentative map for the Bayview Plaza project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Addendum to Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resource Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2008-989 Cor. Copy)

ADOPTED AS RESOLUTION R-303784

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Tentative Map No. 525789;

That Tentative Map No. 525789 is granted to Burgener-Clark, LLC, a California Limited Liability Company, Craig W. Clark, Managing Member, Applicant/Subdivider and Partners Planning and Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference. the recordation of the approved final map for the project.

Subitem-C: (R-2008-990 Cor. Copy)

ADOPTED AS RESOLUTION R-303785

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Planned Development Permit No. 525776/Site Development Permit No. 525777; That Planned Development Permit No. 525776/Site Development Permit No. 525777 is granted to Burgener-Clark, LLC a California Limited Liability Company, Craig W.Clark, Managing Member, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on April 3, 2008, voted 4-0-2 to recommend approval.

Ayes: Schultz, Griswold, Nasland, Ontai

Not Present: Smiley

Recusing: Otsuji

One vacancy

The Clairemont Mesa Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Development of a 74,870 square foot commercial center on a 4.43 acre site located at 2509-2591 Clairemont Drive in the CC-1-3 Zone of the Clairemont Mesa Community Plan area.

STAFF RECOMMENDATION:

1. **Certify** Addendum No. 149101 to previously certified Mitigated Negative Declaration No. 5540, and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Approve** Tentative Map No. 525789 including various easement and right-of-way vacations, Planned Development Permit No. 525776, and Site Development Permit No. 525777.

EXECUTIVE SUMMARY:

The property is located at 2509-2591 Clairemont Drive east of Mission Bay, Interstate 5 and Morena Boulevard, north of Ingulf Street, west of Denver Street and south of Clairemont Drive. The site is within the Clairemont Mesa Community Plan area, and is designated for general commercial land use.

On April 19, 2005, the City Council approved Site Development Permit No. 9100, Planned Development Permit No. 179619, and Tentative Map No. 179620 for demolition of existing commercial buildings and construction of 86,770 square feet of shopping center, including retail commercial, restaurant and office uses to be constructed in two phases. On December 20, 2007, a demolition permit was issued to demolish an existing 19,000 square-foot one story commercial building. Once this building is demolished, the existing Jack in the Box, Lube and Car Wash, and a small drive-up kiosk will remain on the site.

Since that time, the project has been redesigned, and an amendment to the permits is required. The proposed project would allow demolition of the remaining commercial buildings and construction of 74,870 square feet of retail in six buildings and in two phases as previously approved. The proposed amendments to the project include a reduction in building area of the commercial development, and substitution of two small tuck-under parking areas plus surface parking in lieu of the two-level parking garage. There will be traffic access from Clairemont Drive, Denver Street, Ingulf Street and Morena Boulevard, and there will continue to be pedestrian access from each of those streets. The proposed project will be pedestrian oriented and amenable to the future anticipated trolley stop across Morena Boulevard:

30 foot height and setback deviations: The project site is located within the Clairemont Mesa Height Limit Overlay Zone. The regulations of this Overlay Zone are included in Land Development Code (LDC) Sections 132.1301 through 132.1306 and restrict the height of proposed development to a maximum of 30-feet. The purpose and intent of the Overlay Zone is to provide supplemental height regulations for western Clairemont Mesa, ensure the existing low profile development in Clairemont Mesa will be maintained and that public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean are protected. The project as proposed will exceed 30-feet in height in several locations. Staff review has determined these limited exceptions will not have an adverse impact on public views of Mission Bay or the Pacific Ocean. The LDC allows for considerations of exceptions to this height limit through a Site Development Permit (SDP).

A Planned Development Permit (PDP) is required to accommodate proposed deviations to an established 20-foot setback which was imposed on the entire 5.43-acre site with recordation of the original subdivision map, West Clairemont Plaza Unit No. 1 Map No. 3780 in 1958. This setback requires structures to observe a minimum 20-foot setback from the adjacent property line. Proposed site development includes structures which observe reduced setbacks, less than 20-feet. The site is currently zoned CC-1-3 which has no required front or street side setback and would otherwise allow development of structures located at the property line. Staff review has determined the proposed setback deviations are consistent with the purpose and intent of the PDP regulations to provide greater flexibility for the project, and comply with current development regulations of the applicable zone.

A Tentative Map (TM) is required for the subdivision of the 4.43-acre site into four parcels including right-of-ways and public service easements which must be vacated, contingent upon the recordation of the approved final map for the project.

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 19, 2005, the City Council approved Site Development Permit No. 9100, Planned Development Permit No. 179619, and Tentative Map No. 179620 for demolition of existing commercial buildings and construction of 86,770 square feet of shopping center, including retail commercial, restaurant and office uses to be constructed in two phases.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 3, 2008, the Planning Commission recommended approval by unanimous vote with one modification to the project; to urge the City Council to include a permit condition to require the project to become efficient with resources, including energy, water, and materials associated with construction, as demonstrated in Council Policy 900-14 "Green Building Policy" adopted in 1997, Council Policy 900-16 "Community Energy Partnership," Adopted in 2000, and the adopted General Plan. The Clairemont Mesa Community Planning Group voted unanimously (11-0) in favor of the project on March 18, 2008, with no conditions.

KEY STAKEHOLDERS:

Burgener-Clark, LLC

Broughton/Anderson/FM

NOTE: The City of San Diego as Lead Agency under CEQA has completed addendum No. 149101 to Mitigated Negative Declaration No. 5540, dated March 14, 2008, and Mitigation, Monitoring, and Reporting Program covering this activity

Staff: Farah Mahzari – (619) 446-5360
Andrea Contreras Dixon – Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 27, 2008, for a companion item.

NOTE: This item is not subject to Mayor's veto.

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:31 p.m. - 3:31 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-343: Business Improvement District Budgets – FY 2009 Annual Appropriation Process. Approve FY 2009 Budget Reports for specified Business Improvement Districts; and declare Council's intention to levy and collect annual assessments from businesses within specified Business Improvement Districts for FY 2009, and noticing the public hearing. (Centre City, College Area, Greater North Park, La Jolla, Mid-City, Mission Beach, Ocean Beach, Old San Diego, Pacific Beach, San Ysidro, Southeastern San Diego, and Uptown. Districts 1, 2, 3, 4, 7, and 8.)

NOTE: First public meeting was held on May 6, 2008, Item 105.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-969) ADOPTED AS RESOLUTION R-303786

Confirming the Fiscal Year 2009 Budget Reports for specified Business Improvement Districts, and levying annual assessments. The reports are on file with the Office of the City Clerk under the following document numbers:

<u>Business Improvement District</u>	<u>Document No.</u>
Adams Avenue	RR-
City Heights	RR-
College Area	RR-
Diamond	RR-
Downtown	RR-
El Cajon Boulevard Central	RR-
El Cajon Boulevard Gateway	RR-
Gaslamp	RR-

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Hillcrest	RR-
La Jolla	RR-
Little Italy	RR-
Mission Hills	RR-
North Park	RR-
Ocean Beach	RR-
Old Town	RR-
Pacific Beach	RR-
San Ysidro	RR-

That the adoption of this Resolution shall constitute the levy of assessments for each specified District during Fiscal Year 2009, as referenced in the respective Budget Reports.

Subitem-B: (R-2008-970) ADOPTED AS RESOLUTION R-303787

Authorizing the Mayor to execute the Fiscal Year 2009 Operating Agreements for specified Business Improvement Districts. The agreements being on file with the Office of the City Clerk under the following document numbers:

<u>Association</u>	<u>Business Improvement District</u>	<u>Document No.</u>
Adams Avenue Business Association, Inc.	Adams Avenue	RR-
City Heights Business Association	City Heights	RR-
College Area Economic Development Corporation	College Area	RR-
Diamond Community Development Corporation	Diamond	RR-
Downtown San Diego Partnership, Inc.	Downtown Improvement Area	RR-
El Cajon Boulevard Business Improvement Association	El Cajon Gateway	RR-
El Cajon Boulevard Business Improvement Association	El Cajon Central	RR-
Gaslamp Quarter Association, Inc.	Gaslamp	RR-
Hillcrest Business Improvement Association, Inc.	Hillcrest	RR-
Promote La Jolla, Inc.	La Jolla	RR-
Little Italy Association	Little Italy	RR-
Mission Hills Business Improvement District	Mission Hills	RR-

North Park Organization of Businesses, Inc.	North Park	RR-
Ocean Beach Merchant's Association, Inc.	Ocean Beach	RR-
Old Town San Diego Chamber of Commerce	Old Town	RR-
The Pacific Beach Community Development Corporation dba Discover Pacific Beach	Pacific Beach	RR-
San Ysidro Improvement Corporation	San Ysidro	RR-

STAFF SUPPORTING INFORMATION:**REQUESTED ACTIONS:**

At the first Council date (May 6, 2008):

1. Approve the FY2009 Budget Reports for each specified Business Improvement District (BID) Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro; and
2. Declare the Council's intention to levy and collect annual assessments from businesses within each specified BID, and set May 27, 2008 as the noticed public hearing date.

At the second Council date (the noticed public hearing on May 27, 2008):

3. Confirm the FY 2009 Budget Reports for each specified BID and levy the annual assessments for those BID's; and
4. Authorize the Mayor to execute the FY2009 BID Operating Agreements with the non-profit associations for the specified BID's.

STAFF RECOMMENDATION: Adopt the requested actions.

EXECUTIVE SUMMARY:

The California Streets and Highways Code authorizes the City to establish Business Improvement Districts (BIDs), to levy and collect an assessment from businesses within the BIDs, and to apply these assessments toward improvements and activities that benefit the businesses within their respective BIDs. The City established each of the BIDs by adopting an ordinance which details the street ranges to be included in the BID, the categorization of the types of businesses within each BID, and in some cases the size of the businesses as determined by the number of employees. The assessment levels, as determined by these factors, are also detailed in each ordinance.

Under State law the City Council must annually review and approve the Budget Reports for the BIDs. In addition, the City Council must annually authorize the levying of the assessments as established in the respective ordinances and hold a noticed public hearing on the matter. Once authorized, the BID assessments are collected by the City Treasurer at the same time and in the same manner as the City's business tax.

The City collects approximately \$1.3 million annually in BID assessments from approximately 12,000 businesses; these funds are accounted for separately in the City's accounting system and are provided to the non-profit business associations (whose memberships include the businesses in the respective BID's) under an operating agreement. Generally, funds are remitted to the non-profit associations on a reimbursement basis to manage BID programs in the respective BID's, though working capital advances are permitted under certain circumstances. State law also provides that the Budget Reports shall identify any surplus or deficit revenues to be carried over from a previous fiscal year. These funds are identified in the Budget Reports as Estimated Unexpended Assessments to be carried forward and Estimated Outstanding Operating Advances. In approving the Budget Reports the City Council appropriates the assessments to be collected and the prior year surplus funds.

In accordance with State Streets and Highways Code, proposed modifications to the Adams Avenue BID and the North Park BID are noted in the Budget Reports. Actions to initiate the amendment to the Adams Avenue BID have started and it is anticipated that the ordinance amendment will be effective as of July 1, 2008. Balloting is underway in North Park and once it is completed then the proposed modifications to the North Park BID ordinance and Budget Report will be brought to City Council for approval.

FISCAL CONSIDERATIONS:

The City does not retain any of the BID assessments for administrative or other purposes, there is a zero net fiscal impact for collecting and disbursing the BID assessments.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-302888 and R-302889 (August 3, 2007) and R-302820 and R-302821 (July 16, 2007) approving the FY2008 Budget Reports for, and authorized the levying of assessments on businesses within, the following BID's: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

EQUAL OPPORTUNITY CONTRACTING:

"This agreement is subject to Article 10, Sections 10.1 and 10.2 as stated in each Agreement for Management of the San Diego Business Improvement Districts, the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)".

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The non-profit associations that manage the BID's, holds regular meetings and publishes regular newsletters which are distributed to the businesses within the respective BID's. Organizational budgets and work plans are developed by the respective boards and approved at their meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Businesses within the respective BIDS are the key stakeholders and beneficiaries of community improvements and business marketing and development. Residents and property owners may also benefit from public improvements and enhanced business services.

Anderson/Kessler/AMH

NOTE: This activity is not a "project" and is therefore not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

Staff: Scott Kessler – (619) 236-6405/Meredith Dibden-Brown – (619) 236-6485
Kimberly K. Harris – Deputy City Attorney

FILE LOCATION: L-30 FY2009 (23)

COUNCIL ACTION: (Time duration: 2:07 p.m. - 2:12 p.m.)

MOTION BY HUESO TO ADOPT. Second by Young. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-344: Pescadero House, Project No. 86511. Appeal by Robert Ames of the decision by the Planning Commission approving an application for a Coastal Development Permit, Site Development Permit and Planned Development Permit. (Ocean Beach Community Plan Area. District 2.)

Matter of the appeal by Robert Ames of the decision by the Planning Commission approving an application for a Coastal Development Permit/Site Development Permit/Planned Development Permit to demolish four existing multi-family dwelling units and construct two new units in a 5,203 square-foot two-story structure on 7436 square-foot site located at 1466 Pescadero Drive between Bermuda Avenue and Pescadero Avenue.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2008-1129) DENIED APPEAL AND UPHELD THE DECISION OF THE PLANNING COMMISSION TO CERTIFY THE MITIGATED NEGATIVE DECLARATION, ADOPTED AS RESOLUTION R-303788

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission's decision certifying the Mitigated Negative Declaration, Project No. 86511; and certifying associated Mitigation, Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

Subitem-B: (R-2008-1130) DENIED APPEAL AND GRANTED COASTAL DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT AND PLANNED DEVELOPMENT PERMIT WITH CONDITIONS, ADOPTED AS RESOLUTION R-303789

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 274486; Site Development Permit No. 277639; and Planned Development Permit No. 524160.

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on February 21, 2008, voted 5-1-1 to approve this project.

Ayes: Griswold, Smiley, Ontai, Otsuji, and Naslund
Nays: Schultz
one vacancy

The Ocean Beach Planning Board has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission decision to approve the proposed demolition of four existing residential units and the construction of a new two unit residential development in the Ocean Beach Community.

STAFF RECOMMENDATION:

DENY the appeal and CERTIFY Mitigated Negative Declaration No. 86511, and ADOPT the Mitigation, Monitoring and Reporting Program; and
APPROVE Coastal Development Permit No. 274486; and
APPROVE Site Development Permit No. 277639; and
APPROVE Planned Development Permit No. 524160.

EXECUTIVE SUMMARY:

The property is located at 1466 Pescadero Drive between Bermuda Avenue and Pescadero Avenue, on a bluff top site within the Ocean Beach community. The project site is a 0.17-acre parcel currently developed with two detached duplexes for a total of four residential units. A third, two-story 6-unit structure was located on the site but was damaged and removed due to a bluff failure in 1993. This application is requesting the demolition of the two remaining duplex units in order to replace them with a new two-story, two-unit building with subterranean parking.

The building is structurally set back the required 40 feet from the bluff edge and utilizes a cantilever design so that 15 feet of the structure is within 25 feet of the bluff. However, all structural elements of the foundation and footings observe the 40 foot setback while the cantilever extends over, but not on or into the soil. Access is provided along the eastern portion of the property off of Pescadero Drive which functions as an alley. The site is surrounded by multi-family residential development to the east, north and south, and the Pacific Ocean to the west. The proposed development is consistent with the Ocean Beach Community Plan and the Land Development Code.

The Planning Commission approved the project after reviewing the application and listening to public testimony in favor and in opposition to the development. The decision to approve the project was appealed on March 4, 2008, asserting factual error, new information, conflict with other matters and citywide significance as the grounds for the appeal. The appeal also contends that the proposed development requires an Environmental Impact Report (Attachment 2).

The appeal states that the Mitigated Negative Declaration prepared for the project and certified by the Planning Commission is insufficient as there is substantial evidence that "the project will have significant negative impacts" however, the appeal does not identify what the impacts may be or where the MND is insufficient. The MND provides mitigation for pale ontological and archeological resources through on site monitoring as well as water quality through Best Management practices. The appeal also states that there was factual error in regard to statements and evidence provided to the Planning Commission concerning the rate of bluff erosion and the prior existence of a sea wall on the property. The appeal does not clarify what statement or evidence was erroneous nor does the appeal provide additional information establishing different erosion rates or documentation of a pre-existing seawall. The appeal states that new information has been uncovered which documents the high rate of bluff retreat at this site but does not provide the information or discuss what the rates are. A Geotechnical Report was prepared for the project and accepted by the City's Geology staff which established the rate of bluff erosion within acceptable limits for the development. The appeal states that the findings required to approve the project are not supported by the evidence in the record, that the project conflicts with a number of policies, objectives and requirements of the Ocean Beach Precise Plan and the Land Development Code and finally, the appeal states that the project would have citywide significance. However, the appeal does not indicate what findings cannot be supported, what policies or objectives are not being met and what the citywide significance would be.

Staff has determined that the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site pursuant to the adopted Ocean Beach Precise Plan and Local Coastal Program Addendum, the applicable development regulations of the Land Development Code and the RM-2-4 Zone, and the City of San Diego Progress Guide

and General Plan. Staff has determined that the proposed project is designed and engineered in a way that would not be detrimental to the coastal bluff and would be a visual enhancement to the surrounding area. Staff concludes that the deviations requested as a part of the project are minor in scope, are consistent with the purpose and intent of the regulations for which the deviations are requested and contribute to the overall project design.

FISCAL CONSIDERATIONS:

None. All costs associated with processing this application are paid for by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On February 21, 2008, the Planning Commission voted 5-1-1 to certify the environmental document and approve the project. On May 2, 2007, the Ocean Beach Community Planning Board voted 9-0-1 to approve the project (Michael Taylor recused as the project applicant).

KEY STAKEHOLDERS:

Daniel Smith, Property Owner.

Broughton/Anderson/PH

LEGAL DESCRIPTION:

The site is located at 1466 Pescadero Drive within the Ocean Beach Planning Area, Sensitive Coastal Overlay Zone, Ocean Beach Emerging Historic District, Parking Impact Overlay Zone and Council District 2 and is more particularly described as Lot 7 and 8 in Block 44-Map of Ocean Beach being a subdivision of Pueblo Lots 195, 202 and 203 and that portion of Ocean Boulevard closed and vacated by Resolution Ordering Work No. 103046, Document 435927 on July 17, 1951.

Staff: Patrick Hooper – (619) 557-7992

NOTE: This item is not subject to Mayor's veto.

Testimony in favor of the appeal by Jeff Page, Lorri Frangkiser, Robert Ames, and Todd Cardiff.

Testimony in opposition of the appeal by Matt Peterson, Curtis Burdett, Matt Peterson, Daniel Smith, Gary Grove, John Gary, and Gene Shepard.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:49 p.m. - 5:22 p.m.)

MOTION BY FAULCONER TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION CERTIFYING THE MITIGATED NEGATIVE DECLARATION NO. 86511, AND ADOPT THE MITIGATION, MONITORING, AND REPORTING PROGRAM IN SUBITEM A; AND DENY THE APPEAL GRANTING COASTAL DEVELOPMENT PERMIT NO. 274486, SITE DEVELOPMENT PERMIT NO. 277639, AND PLANNED DEVELOPMENT PERMIT NO. 524160 IN SUBITEM B WITH THE RECOMMENDATION OF DEED RESTRICTION ON THE SEAWALL. Second by Hueso. Passed by the following vote: Peters-not present, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-345: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2009. Adopt a Resolution designating an Area of Benefit in Carmel Valley; Adopt a Resolution approving the Development Impact Fee Schedule for properties within Carmel Valley. (Carmel Valley Community Plan Area. District 1.)

(See Report to the City Council No. 08-054 and Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2009 DRAFT.)

NOTE: First Hearing was held on April 21, 2008, Item 150.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-842)

ADOPTED AS RESOLUTION R-303765

Adoption of a Resolution designating an Area of Benefit in Carmel Valley and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the Area of Benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of one Facilities Benefit Assessment area;

Authorizing and directing the City Clerk to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of Section 61.2209(b) of the Ordinance.

Subitem-B: (R-2008-843)

ADOPTED AS RESOLUTION R-303766

Adoption of a Resolution approving the Development Impact Fee Schedule for properties within Carmel Valley.

LAND USE & HOUSING COMMITTEE RECOMMENDATION:

On 3/12/2008, Land Use & Housing Committee voted 3-0-1 to approve. (Councilmembers Hueso, Atkins and Maienschein voted yea. Councilmember Madaffer was not present.)

SUPPORTING INFORMATION:

REQUESTED ACTION:

Council authorization to approve the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2009; adopt a Resolution of Intention to designate an area of benefit; Adopt a Resolution of Designation; approve the setting of Development Impact Fees consistent with the FBA in Carmel Valley; and authorize the City Auditor and Comptroller to modify individual Capital Improvement Program project budgets.

STAFF RECOMMENDATION:

Approve the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2009; rescind the existing Facilities Benefit Assessments and Development Impact Fees and establish new Facilities Benefit Assessments (FBA) and Development Impact Fees (DIF) for Carmel Valley.

EXECUTIVE SUMMARY:

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Carmel Valley. Carmel Valley is an area in the later stages of development where significant infrastructure construction has occurred. This plan revises and updates the Fiscal Year 2007 Plan (R-301977 dated October 17, 2006). The objective of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when needed. The FBA will be collected at building permit issuance stage of development and deposited into an interest earning account for Carmel Valley.

The goal of the FBA is to ensure that funds will be available in sufficient amounts to provide community facilities when needed. With this update, the two community FBA funds, Carmel Valley North FBA and Carmel Valley South FBA, will be consolidated and one cash flow will be developed. Residential and non-residential development in both the northern and southern areas of Carmel Valley have paid on the same assessment schedule since the implementation of the FBA program, as will all future development in Carmel Valley.

The current assessment schedule will provide sufficient funding for the remaining facilities in Carmel Valley, therefore no change to the current assessment schedule is proposed beyond a 7% inflation factor which is reflected in the FY 2009 assessments as well as future year project cost estimates. The assessments for FY 2008 and FY 2009 are as follows:

<u>LAND USE</u>	<u>CURRENT FY 2008 ASSESSMENT</u>	<u>PROPOSED FY 2009 ASSESSMENT</u>
SINGLE FAMILY UNITS	\$21,789	\$23,314
MULTI-FAMILY UNITS	\$15,253	\$16,320
COMMERCIAL (per acre)	\$80,837	\$86,495
INDUSTRIAL (per acre)	\$75,172	\$80,433
INSTITUTIONAL (per acre)	\$77,787	\$83,231

There are a total of 24 current and proposed new projects, and adjustments have been made to project costs to allow for inflation and updated estimates.

FISCAL CONSIDERATIONS:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in Carmel Valley.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 12, 2008 LU&H unanimously approved the Public Facilities Financing Plan on Consent Agenda.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Carmel Valley Planning Group voted (15-1) to approve the draft Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2009 at its meeting of February 12, 2008.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2009 Assessment Roll, starting on appendix page A-3.

These property owners have been mailed a notice of the public hearing and copy of the financing plan. The owners will have liens placed upon their property and will be required to pay Facilities Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment which increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Bernasconi/Anderson/MS

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Megan Sheffield – (619) 533-3672
Jana L. Garmo – Deputy City Attorney

FILE LOCATION: FB-8 FY2009 (33)

COUNCIL ACTION: (Time duration: 11:58 a.m. – 11:59 a.m.)

MOTION BY HUESO TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea,
Madaffer-not present, Hueso-yea.

ITEM-346: Crescent Heights. Pardee Homes' request that the City Council stay (toll) the expiration date for the Crescent Heights project, approved by City Council on July 1, 2003, pending the resolution of the October 13, 2006 Case No. 98-CV-2234-B(JMA). (Mira Mesa Community Plan Area. District 5.)

Pardee Homes has requested that the City Council consider a resolution to stay (toll) the expiration date for the Crescent Heights project, a residential development (113 single-family residences, 129 multi-family units) within the Mira Mesa Community Plan, approved by City Council on July 1, 2003, pending the resolution of the October 13, 2006, United States District Judge Rudi M. Brewster in the Southern District of California's Decision and Injunction in the case entitled, "Southwest Center for Biological Diversity, et al. vs. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et al.," Case No. 98-CV-2234-B(JMA). The project approvals consist of Vesting Tentative Map No. 9691 and Planned Development Permit No. 9693, located north and south of Calle Cristobal, east and west of Camino Santa Fe, in the Mira Mesa Community Plan.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-1034) ADOPTED RESOLUTION R-303790

Adoption of a Resolution stating for the record that the approval of staying the Crescent Heights Project Approvals is a subsequent discretionary approval of the Project addressed in the Environmental Impact Report and therefore not a separate project under CEQA Guideline Sections 15060(c)(3);

Stating for the record that the information contained in the Environmental Impact Report, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of staying the Crescent Heights Project Approvals does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

Subitem-B: (R-2008-1007) ADOPTED AS RESOLUTION R-303791

Adoption of a Resolution by the City Council that the City Council acknowledges that the Injunction has imposed a "development moratorium" on the Project, and that pursuant to California Government Code Sections 66452.6, 66452.12 and 65863.9, the City stays the expiration of the Crescent Heights Approvals for five years or until the Injunction is lifted on the Project, whichever is sooner;

That no further City Council action is necessary to permit the City to lift this stay of expiration of the Crescent Heights Approvals and to process discretionary or ministerial permits or approvals for the Project, including, but not limited to, the Project's final map and grading permit upon confirmation by the City Attorney and the Director of the Development Services Department of the Release of Injunction;

That upon the Effective Date of the lifting of this stay of expiration, the VTM will expire 2 years 149 days after the Injunction is lifted, and the PRD will expire 2 years 363 days after the Injunction is lifted, and Condition 38(i) of the VTM must be satisfied 1 year 261 days after the Injunction is lifted, absent further authorized extensions.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Request to stay (toll) the expiration date for the Crescent Heights project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Crescent Heights Project remains in effect.

STAFF RECOMMENDATION:

Approve a resolution to stay (toll) the expiration date for the Crescent Heights project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Crescent Heights Project remains in effect.

EXECUTIVE SUMMARY:

The Crescent Heights project for residential development in the Mira Mesa Community Planning area was approved by City Council on July 1, 2003.

The project approvals consisted of Vesting Tentative Map No. 9691; Planned Residential Development Permit No. 9693; Coastal Development Permit No. 9694; amendments to the City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan; Rezone; and Multiple Habitat Planning Area Boundary Adjustment. The amendments to the Local Coastal Plan were unconditionally certified by the California State Coastal Commission on March 11, 2006; however, the Coastal Development Permit (CDP) was appealed to the State Coastal Commission. Because the City's CDP was set aside through the appeal process, the State Coastal Commission has coastal development permit jurisdiction over the entire development. The State Coastal Development Permit for the project was approved October 11, 2006.

Pardee Homes, the Owner/Permittee for the Crescent Heights project, has applied for the final maps, grading, and improvement plans for the aforementioned approvals; however, on October 13, 2006, United States District Court for the Southern District of California issued a Decision and Injunction in the case entitled, *Southwest Center for Biological Diversity, et al. vs. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et al.*, Case No. 98-CV-2234-B(JMA) (Attachment 1) [Injunction]. On January 31, 2008, the Development Services Department sent a letter to Pardee advising that the Crescent Heights Project was enjoined by the Injunction and the City would not accept any resubmittals or perform any reviews on the project (Attachment 2). As a result of the issuance of the Decision and Injunction, Pardee Homes' Crescent Heights Project, as well as other development projects that refer to or rely upon the City of San Diego's incidental take permit and related MSCP Subarea Plan for impacts to the vernal pool habitat and vernal pool species, have been precluded from obtaining further discretionary or ministerial approvals from the City.

Pardee Homes has requested that the City Council consider a resolution to stay (toll) the expiration date for the Crescent Heights project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Crescent Heights Project remains in effect.

The State Subdivision Map Act – Government Code Sections 66452.6 and 66452.12 authorizes the City to stay the running of the expiration date for the project approvals under these conditions (Attachment 3). Pardee Homes' request for a stay of the Crescent Heights project approvals is consistent with the Subdivision Map Act.

This resolution to stay (toll) the expiration date for the Crescent Heights Project No. 1657 approvals is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pardee Homes, Owner

Anderson/Broughton/LG

NOTE: Final Environmental Impact Report No. 99-0639 was reviewed and considered by Council on July 1, 2003, Resolution No. R-298150.

NOTE: This activity is covered under Project No. 1657, Crescent Heights. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section §15060(c)(3).

Staff: Leslie Goossens – (619) 446-5431
Andrea Contreras Dixon – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:22 p.m. - 3:23 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-347: Bolton Hall Road Vacation. An application for a (Process 5) Parcel Map to consolidate ten existing parcels into three lots and vacate a portion of an alley and a portion of Bolton Hall Road located as dedicated on Map Nos. 1194 and 1758, respectively. The property is located at 320 Bolton Hall Road between Border Village Road and Interstate 805 in base zone SYIO-CSR-3 within no overlay zones. (San Ysidro Community Area. District 8.)

Matter of approving, conditionally approving, modifying, or denying an application for a (Process 5) Parcel Map to consolidate ten existing parcels into three lots and vacate a portion of an alley and a portion of Bolton Hall Road located as dedicated on Map Nos. 1194 and 1758, respectively. The property is located at 320 Bolton Hall Road between Border Village Road and Interstate 805 in base zone SYIO-CSR-3 within no overlay zones, Council District 8.

You may contact David Flores of the San Ysidro Planning and Development Group at (619) 428-1115 to inquire about the community planning group meeting dates, times, and location for community review of this project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-1050) ADOPTED AS RESOLUTION R-303792.

Adoption of a Resolution certifying findings with respect to Public Rights-of-Way Vacation No. 550438;

Ordering vacated as conditioned herein these Public Rights-of-Way, more particularly described in the legal description marked as Exhibit "A";

That these vacations ordered by this Resolution shall not become effective unless and until the Parcel Map has been approved by City Council action and recorded in the office of the County Recorder by the City Clerk;

That the City Clerk shall cause a certified copy of this Resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder upon the approval of the Parcel Map by City Council;

That this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the State CEQA Guidelines.

OTHER RECOMMENDATIONS:

The proposed project was determined to be a "Summary Vacation" and therefore in accordance with San Diego Municipal Code section 125.0910 does not require a recommendation from the Planning Commission.

The San Ysidro Planning and Development Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Should the City Council approve or deny a parcel map and Public Right-of-Way Vacation located at the northeast intersection of San Ysidro Boulevard and Bolton Hall Road, within the San Ysidro Community Plan area?

STAFF RECOMMENDATION:

APPROVE Parcel Map and Public Right-of-Way Vacation No. 550438.

EXECUTIVE SUMMARY:

The project is a parcel Map to consolidate ten remnant parcels of land into three parcels (Parcels 1 through 3) and to vacate a 40-foot wide segment of Bolton Hall Road and a portion of an adjacent alley. The property is located at the intersection of San Ysidro Boulevard and Border Village Road. Interstate 5 abuts the property along the south. The site is designated for commercial uses within the San Ysidro Community Plan and zoned CSR-3 of the San Ysidro Planned District. These properties are currently developed with a service station, a currency exchange business and a parking lot. The Parcel Map also identifies a "Not A Part" parcel of

land currently developed with another currency exchange business and excluded from the boundaries of the map. The vacation will include a 130-foot long portion of Bolton Hall Road containing approximately 5,200 square feet and an unimproved alley approximately 80 feet long and containing approximately 1,200 square feet. Both public rights-of-way terminate at Interstate 5. The alley is unpaved and not utilized as a thoroughfare. No new development is proposed with this project.

The project will result in the following new lot configurations and existing developments: The service station will be located on Parcel 1. The currency exchange business will be located on Parcel 3. Parcel 2 is currently used as surplus (non-required) parking.

Staff determined that Parcel 2 was originally developed as a stand-alone parking lot. The owner has indicated that Parcel 2 may become available for future development (Attachment 9).

Existing vehicular access to the developments occurs from border Village Road and San Ysidro Boulevard and will remain unchanged. The service station is accessed from San Ysidro Boulevard. The currency exchange business and parking lot are accessed from Bolton Hall Road. Currently, a mutual access agreement exists between the owners of the parking lot site (proposed on Parcel 2) and the currency exchange business (proposed on Parcel 3), allowing ingress and egress between the existing developments. This agreement will be preserved as part of the Parcel Map. Additionally, a 25-foot wide portion of vacated Bolton Hall Road will be reserved as a general utility easement.

Regulatory Framework

The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation (Attachment 5). The findings generally establish that there is no present or prospective public use for the right-of-way, either for the use for which it was intended, or any other public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and, that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

Staff has determined that the public rights-of-ways are no longer needed as they terminate adjacent to a freeway and do not provide a vehicular or pedestrian connection to another public right-of-way, nor are they a part of the current or proposed circulation plan for the San Ysidro Community Plan. The City has no future plans to improve the alley. The proposed Parcel Map will consolidate remnant parcels of land and rights-of-way into three parcels facilitate future development pursuant to the San Ysidro Community plan and the underlying zoning and, reduce potential liability and maintenance concerns to the City.

As described in Sections 125.0910(b) and 125.0940(c) of the Municipal Code, this section of right-of-way is eligible to be summarily vacated therefore a recommendation by the Planning commission is not required.

FISCAL CONSIDERATIONS:

None associated with this action. All costs associated with the processing for this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In 1966, the City Council approved the vacation of Bolton Hall Road and a portion of an alley by Resolution Number R-287283. However a certificate of compliance was not filed within the three years of the approval date therefore, the vacation expired. The 1996 vacation was the only request and did not include a Parcel Map.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Ysidro Planning and Development Group voted 11-0-1 on August 21, 2007 to recommend approval of the project with no conditions.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

SIMCO; BAROB GROUP, LTD; ELLIOT SIMONS & NANCY SIMONS TRUST; GIN-CAR LTD, LLC; SAN YSIDRO ASSOCIATES, LLC
(Ownership Disclosure Statement Attachment 7).

Anderson/Broughton

LEGAL DESCRIPTION:

The project is located between Border Village Road and Interstate 805 in the SYIO-CSR-3 Zone in the San Ysidro Community Plan, in the City of San Diego, County of San Diego, and State of California.

NOTE: This activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060 of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).

Staff: William Zounes – (619) 687-5942
Shirley R. Edwards – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:23 p.m. - 3:24 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S500: Preparation of Salary Ordinance for FY 2008-2009.

(See memorandum from the City Attorney dated 4/18/2008.)

(Continued from the meetings of May 13, 2008, Item 60, and May 20, 2008, Item S500; last continued at the request of Councilmember Frye for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance in Subitem A, which was introduced as amended on 4/21/2008, Item S400. (Council voted 6-2. Councilmembers Young and Frye voted nay.) [Councilmembers Peters, Faulconer, and Maienschein voted nay on the portion relating to the car allowance]. Adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2008-134 Rev. 3) ADOPTED AS ORDINANCE O-19756
(NEW SERIES)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2008-2009.

Subitem-B: (R-2008-851 Rev.) ADOPTED AS RESOLUTION R-303793

Approving in accordance with the terms and conditions the classifications of personnel in the classified service of the City of San Diego eligible for premium or regular rate overtime as set forth in Attachment "A", effective from July 1, 2008 through June 30, 2009, pursuant to the authority of Section 9 of the Annual Salary Ordinance.

Subitem-C: (R-2008-852 Rev.) ADOPTED AS RESOLUTION R-303794

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units, to reflect additions of new classes, removal of deleted classes, and changes to titles, such amendments to be as contained in the listing of job classifications and appropriate units, as set forth in Attachment "A".

Subitem-D: (R-2008-853 Rev.) ADOPTED AS RESOLUTION R-303795

Establishing and adopting a Cafeteria Benefits Plan (Plan) for all designated eligible employees for Fiscal Year 2009 (Attachment "B"), providing therein dollar sums certain for each eligible employee, to be allocated to benefits as are designated in the Plan, pursuant to Section 16 of the Annual Salary Ordinance No. O-_____, and upon the recommendation of the Mayor;

Authorizing the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Plan;

Declaring the funds appropriated for this Plan shall be as set forth in the annual appropriation ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:36 p.m.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM A* AND ADOPT THE RESOLUTIONS IN SUBITEMS B, C, AND D. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

*Peters, Faulconer, and Maienschein are opposed to the portion of the salary ordinance relating to the car allowance.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:47 p.m. - 3:49 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Madaffer at 5:22 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:22 p.m. - 5:22 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 2, 2008
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,
Madaffer, Hueso.

Clerk: Richardson.

The City Council meetings of Monday, June 2, 2008 and Tuesday, June 3, 2008 have been adjourned, pursuant to the 2008 Legislative Calendar, adopted by Resolution R-303207 on December 3, 2007.

The next regularly scheduled meetings of the City Council are Monday, June 9, 2008 at 2:00 p.m. and Tuesday, June 10, 2008 at 9:00 a.m. The City Council will meet in Closed Session from 9:00 a.m. – 10:00 a.m. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 3, 2008
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,
Madaffer, Hueso.

Clerk: Levenson-Cruz.

The City Council meetings of Monday, June 2, 2008 and Tuesday, June 3, 2008 have been adjourned, pursuant to the 2008 Legislative Calendar, adopted by Resolution R-303207 on December 3, 2007.

The next regularly scheduled meetings of the City Council are Monday, June 9, 2008 at 2:00 p.m. and Tuesday, June 10, 2008 at 9:00 a.m. The City Council will meet in Closed Session from 9:00 a.m. – 10:00 a.m. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

Elizabeth S. Maland, City Clerk
City of San Diego